

**REGULAR CALENDAR**

**October 24, 2022**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Education to which was referred HB  
1141,**

**AN ACT relative to special education services for  
children in chartered public schools. Having  
considered the same, report the same: NOT  
RECOMMENDED FOR FUTURE LEGISLATION.**

**Rep. Glenn Cordelli**

**FOR THE COMMITTEE**

## **COMMITTEE REPORT**

Committee:	<b>Education</b>
Bill Number:	<b>HB 1141</b>
Title:	<b>relative to special education services for children in chartered public schools.</b>
Date:	<b>October 24, 2022</b>
Consent Calendar:	<b>REGULAR</b>
Recommendation:	<b>NOT RECOMMENDED FOR FUTURE LEGISLATION</b>

### **STATEMENT OF INTENT**

This bill included a number of items related to the provision of special education in charter schools. Several were just re-statements of federal Individuals with Disabilities Education Act (IDEA) law and one other has been accommodated in other legislation.

Vote 19-0.

Rep. Glenn Cordelli  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

Education

**HB 1141**, relative to special education services for children in chartered public schools.**NOT RECOMMENDED FOR FUTURE LEGISLATION .**

Rep. Glenn Cordelli for Education. This bill included a number of items related to the provision of special education in charter schools. Several were just re-statements of federal Individuals with Disabilities Education Act (IDEA) law and one other has been accommodated in other legislation.  
**Vote 19-0.**

Original: House Clerk  
Cc: Committee Bill File

**CONSENT CALENDAR**

**March 7, 2022**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Education to which was referred HB  
1141,**

**AN ACT relative to special education services for  
children in chartered public schools. Having  
considered the same, report the same with the  
recommendation that the bill be REFERRED FOR  
INTERIM STUDY.**

**Rep. Glenn Cordelli**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>Education</b>
Bill Number:	<b>HB 1141</b>
Title:	<b>relative to special education services for children in chartered public schools.</b>
Date:	<b>March 7, 2022</b>
Consent Calendar:	<b>CONSENT</b>
Recommendation:	<b>REFER FOR INTERIM STUDY</b>

### STATEMENT OF INTENT

There was a special education study committee last fall that heard and received much testimony. This amended bill addresses some of the issues raised by parents. These include perceived intimidation in individualized education plan (IEP) meetings by the presence of district lawyers which is contrary to federal law concerning allowed participants. There were also complaints about having to sign non-disclosure agreements in order to enter into mediation which also is against federal law. We also heard testimony of incidents where documents have been missing or inaccurate in the student files so an amendment to the bill includes provisions for parental access to the records. Issues remain, however, in looking at existing administrative rules that exceed state and federal law and what statutory changes still are needed. The majority agreed that Interim Study was the best way to continue looking at these issues.

Vote 18-0.

Rep. Glenn Cordelli  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Education

**HB 1141**, relative to special education services for children in chartered public schools. **REFER FOR INTERIM STUDY.**

Rep. Glenn Cordelli for Education. There was a special education study committee last fall that heard and received much testimony. This amended bill addresses some of the issues raised by parents. These include perceived intimidation in individualized education plan (IEP) meetings by the presence of district lawyers which is contrary to federal law concerning allowed participants. There were also complaints about having to sign non-disclosure agreements in order to enter into mediation which also is against federal law. We also heard testimony of incidents where documents have been missing or inaccurate in the student files so an amendment to the bill includes provisions for parental access to the records. Issues remain, however, in looking at existing administrative rules that exceed state and federal law and what statutory changes still are needed. The majority agreed that Interim Study was the best way to continue looking at these issues. **Vote 18-0.**

Original: House Clerk

Cc: Committee Bill File

**HOUSE COMMITTEE ON EDUCATION**

**EXECUTIVE SESSION on HB 1141**

**BILL TITLE:** relative to special education services for children in chartered public schools.

**DATE:** October 24, 2022

**LOB ROOM:** 305-307

**MOTION:**

Interim Study (2nd yr)      Not Recommended for Future Legislation

Moved by Rep. Cordelli                      Seconded by Rep. Boehm                      Vote: 19-0

Respectfully submitted,

Rep Melissa Litchfield, Clerk

HOUSE COMMITTEE ON EDUCATION  
EXECUTIVE SESSION on bill # HB 1141

BILL TITLE: Sp. Ed services in Career Schools  
DATE: 10-24-22  
LOB ROOM: 205-207 307

MOTION:  Recommended for Future Legislation  
 Not Recommended for Future Legislation

Moved by Rep. Cordelli      Seconded by Rep. Boehly      Vote: 19-0

Respectfully submitted,

Rep. M. A. Moffett  
Committed Clerk



OFFICE OF THE HOUSE CLERK



1/10/2022 8:57:50 AM  
 Roll Call Committee Registers  
 Report

2022 SESSION

Education

Bill #: HB 1141 Motion: NOT recommended AM #: \_\_\_\_\_ Exec Session Date: 10-28-22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Ladd, Rick M. Chairman	✓		
Cordelli, Glenn Vice Chairman	✓		
<del>Litchfield, Melissa A. Clerk</del> <u>Hill, Greg</u>	✓		
Boehm, Ralph G.	✓		
Lekas, Alicia D.	✓		
Moffett, Michael	✓		
Hobson, Deborah L.	✓		
Ford, Oliver J.	✓		
Soti, Julius F.	✓		
Nelson, Bill G.	✓		
<del>Myler, Mel</del> <del>Walz, Mary Beth</del>	✓		
Luneau, David J.	✓		
Cornell, Patricia	✓		
Tanner, Linda L.	✓		
Ellison, Arthur S.	✓		
Mullen, Sue M.	✓		
Woodcock, Stephen L.	✓		
<del>Porter, Marjorie</del> <u>Heath, M</u>	✓		
A. Hall, Muriel C.	✓		
<b>TOTAL VOTE:</b>	<b>19-0</b>		



HOUSE COMMITTEE ON EDUCATION  
EXECUTIVE SESSION on Bill # 1141

BILL TITLE: ...

DATE: 3/7/22

LOB ROOM:

MOTION: (Please check one box)

OTP       ITL       Retain (1<sup>st</sup> year)       Adoption of Amendment # 0961 H  
(if offered)

Moved by Rep. Condelli      Seconded by Rep. Ford      Vote: \_\_\_\_\_

*Withdrawn*

MOTION: (Please check one box)

OTP       OTP/A       ITL       Retain (1<sup>st</sup> year)       Adoption of Amendment # \_\_\_\_\_  
 Interim Study (2nd year)      (if offered)

Moved by Rep. Condelli      Seconded by Rep. Porter      Vote: 18-0

MOTION: (Please check one box)

OTP       OTP/A       ITL       Retain (1<sup>st</sup> year)       Adoption of Amendment # \_\_\_\_\_  
 Interim Study (2nd year)      (if offered)

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

MOTION: (Please check one box)

OTP       OTP/A       ITL       Retain (1<sup>st</sup> year)       Adoption of Amendment # \_\_\_\_\_  
 Interim Study (2nd year)      (if offered)

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

CONSENT CALENDAR:  YES       NO

Minority Report?  Yes       No      If yes, author, Rep: \_\_\_\_\_      Motion \_\_\_\_\_

Respectfully submitted: Bill Nolan  
Rep. Melissa Litchfield, Clerk



2022 SESSION

Education

Bill #: 1141 Motion: INT Study AM #: \_\_\_\_\_ Exec Session Date: 3/7/22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Ladd, Rick M. Chairman	18		
Cordelli, Glenn Vice Chairman	1		
Litchfield, Melissa A. Clerk <i>Lang</i>	2		
Boehm, Ralph G.	3		
Lekas, Alicia D.	4		
Moffett, Michael <i>Lascelles</i>	5		
Hobson, Deborah L.	6		
Ford, Oliver J.	7		
Soti, Julius F.	8		
Nelson, Bill G.	9		
<del>Myler, Mel</del> -Walz, Mary Beth <i>Wellner</i>	<del>10</del>		—
Luneau, David J.	11		
Cornell, Patricia	12		
Tanner, Linda L.	13		
Ellison, Arthur S.	14		
Mullen, Sue M.	15		
Woodcock, Stephen L. <i>Murray</i>	16		
Porter, Marjorie	17		
A. Hall, Muriel C.	18		
<b>TOTAL VOTE:</b>	<b>18</b>	<b>0</b>	

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 1141

**BILL TITLE:** relative to special education services for children in chartered public schools.

**DATE:** January 25, 2022

**LOB ROOM:** 207 **Time Public Hearing Called to Order:** 19:10am

**Time Adjourned:**

**Committee Members:** Reps. Ladd, Cordelli, Litchfield, Boehm, A. Lekas, Moffett, Hobson, Ford, Soti, B. Nelson, Myler, Luneau, Cornell, Tanner, Ellison, Mullen, Woodcock, Hall and Porter

**Bill Sponsors:**

Rep. Cordelli  
Sen. Ward

Rep. Renzullo  
Sen. Ricciardi

Sen. Avard

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**\*Rep. Cordelli**

- Prime Sponsor
- Amendment to be submitted would change this bill

**Rep. Porter**

- If a one on one Aid is needed, who pays?

**Rep. Cordelli**

- The sending district.

**Rep. Mullen**

- Isn't this already law?

**Rep. Cordelli**

- He brought this bill due to many parents that had approached him with these issues.

**Rep. Lekas**

- What if parents do not want to participate?
- Response: Addressed in federal law

**June Bergeron - NH Assoc. Spec. Ed Administrator**

- In opposition of bill
- Feels this bill duplicates what is already out there

**Rebecca Fredette - NH DOE, Technical Assistance**

**Rep. Woodcock**

- Is this bill necessary?
- Response: She offers technical assistance, and must remain neutral.

**Rep. Ladd**

- Has she seen any with "Least" Restrictive Environments."
- Are we encountering any issues with how we are interpreting "Least Restrictive Environments."
- Response: Due to staffing issues, services may be offered at the sending district location.

Respectfully submitted,

Rep Melissa Litchfield, Clerk



# House Remote Testify

## Education Committee Testify List for Bill HB1141 on 2022-01-26

Support: 9 Oppose: 5 Neutral: 0 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Ward, Senator Ruth	Stoddard, NH ruth.ward@leg.state.nh.us	An Elected Official	Senate District 8	Support	No	No	1/6/2022 12:13 PM
Ricciardi, Senator Denise	Bedford, NH denise.ricciardi@leg.state.nh.us	An Elected Official	Senate District 9	Support	No	No	1/7/2022 9:35 AM
Wood, Zephan	Pembroke, NH zephanw@gmail.com	A Member of the Public	Myself	Support	No	No	1/21/2022 2:23 PM
Camarota, Hon. Linda Rea	Bedford, NH repcamarota@gmail.com	A Member of the Public	Myself	Support	No	No	1/22/2022 9:08 PM
Vogt, Robin	PORTSMOUTH, NH robin.w.vogt@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/24/2022 7:48 AM
Raff, Alan	Manchester, NH araff9@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/25/2022 10:59 AM
Ryan, Moira	Londonderry, NH army51kilo@hotmail.com	A Member of the Public	Myself	Support	No	No	1/25/2022 6:55 PM
Kinara, Tonya	Manchester, NH tlkinara@gmail.com	A Member of the Public	Myself	Support	No	No	1/25/2022 7:03 PM
Benard, Patrice	Manchester, NH playchords@gmail.com	A Member of the Public	Myself	Support	No	No	1/25/2022 7:04 PM
Ryan, Maryann	Londonderry, NH mr0302gma@gmail.com	A Member of the Public	Myself	Support	No	No	1/25/2022 10:22 PM
Howes, Debrah	Bow, NH president@aft-nh.org	A Lobbyist	American Federation of Teachers - NH	Oppose	No	No	1/26/2022 8:31 AM
Frew, Jerome	Concord, NH jerry@nhsaa.org	A Lobbyist	NHSAAf	Oppose	No	No	1/26/2022 7:29 PM
Brackett, Glenn	Hooksett, NH communications@nhaficio.org	A Lobbyist	NH AFL-CIO	Oppose	No	No	1/26/2022 7:41 PM



goodwin, shawn

Manchester, NH  
sgoody2221@aol.com

A Member of the Public Myself

Support No

No

1/26/2022 10:09 PM

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING on Bill # HB1141

**BILL TITLE:** public hearing on proposed amendment #2022-0119h

**DATE:** 2/25/22

**ROOM:** 205-207

**Time Public Hearing Called to Order: 12:32 PM**

**Time Adjourned: 1:18 PM**

**Committee Members: Reps. Ladd, Cordelli, A. Lekas, Moffet, Hobson, Ford, Soti, Litchfield, Luneau, Hall, Ellison, and Walz**

**Rep Cordelli, prime sponsor -**

Rules should be based on law. Any rulemaking needs to be consistent with law. It is illegal to force a parent going into mediation to sign a non-disclosure agreement- He is looking to get that into law. He has heard from multiple parents about not being able to get records and proper documentation. This amendment is consistent with federal law.

Rep Hobson, technical questions

Rep Moffett, technical questions- regarding lines 13 and 16- do these statements oppose each other?

Rep Luneau, technical questions regarding charter schools, iep's and a free appropriate education.

P 4, lines 4 and 5-

Rep Walz, An awful lot of this is repeating what is in federal law, and I am trying to figure out why you are doing that.

Response: A Lot of this is coming from parents. In many cases things are not happening in accordance with state law. Just trying to address it in multiple ways to allow parents to get the services that they are entitled to. He felt that providing it in state law was necessary.

Rep Walz, Feels this is confusing since most parents do realize that federal law trumps state law.

Response: He was not trying to go beyond the federal law and create anything new.

Rep Walz, Wondering if we just need to look into our enforcement methods.

Response: I would agree

**Bonnie Dunham, opposes the bill -**

Disappointed with this. RS186 is not detailed. She feels this immediately would reduce what we currently have in place.

Rep Hobson, lines 17 thru 20, does wording in amendment pose a problem? Do you think it is necessary to have an Atty at an IEP meeting?

Respectfully submitted,

Rep. Melissa Litchfield, Clerk



# House Remote Testify

## Education Committee Testify List for Bill HB1141 on 2022-02-25

Support: 71 Oppose: 101 Neutral: 0 Total to Testify: 0

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Phaneuf, Leanne	Hudson, NH Leanne.phaneuf81@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/9/2022 8:39 PM
Ward, Senator Ruth	Stoddard, NH ruth.ward@leg.state.nh.us	An Elected Official	Senate District 8	Support	No	No	2/11/2022 9:41 AM
Hoyt, Sandra	North Hampton, NH Sands0524@aol.com	A Member of the Public	Myself	Support	No	No	2/12/2022 6:46 PM
Camarota, Hon. Linda Rea	Bedford, NH repcamarota@gmail.com	A Member of the Public	Myself	Support	No	No	2/15/2022 10:23 AM
Ricciardi, Senator Denise	Bedford, NH denise.ricciardi@leg.state.nh.us	An Elected Official	Senate District 9	Support	No	No	2/15/2022 12:00 PM
Belanger, Lori	Pembroke, NH Belanger-lori@comcast.net	A Member of the Public	Myself	Support	No	No	2/16/2022 8:05 PM
Mackie, Jordan	Nashua, NH Jmackie@jmdotcom.com	A Member of the Public	Myself	Support	No	No	2/17/2022 9:11 PM
Mackie, Danielle	Nashua, NH Daniellenuzzo70@gmail.com	A Member of the Public	Myself	Support	No	No	2/17/2022 9:11 PM
Houston, Alicia	Nashua, NH Ahouston617@gmail.com	A Member of the Public	Myself	Support	No	No	2/17/2022 9:12 PM
Jorgensen, Patricia	Northfield, NH yellaboat@aol.com	A Member of the Public	Myself	Support	No	No	2/17/2022 10:25 PM
Noyes, Christopher	Bethlehem, NH jennandchrisnoyes@gmail.com	A Member of the Public	Myself	Support	No	No	2/18/2022 6:33 AM
Wizboski Jr, Chester	Hollis, NH wizboskijrmtb@gmail.com	A Member of the Public	Myself	Support	No	No	2/18/2022 6:50 AM
Colquhoun, Laura	Nashua, NH lauracolquhoun2@gmail.com	A Member of the Public	Myself	Support	No	No	2/18/2022 8:26 AM

Durand, Stephanie	Hanover, NH mhs.durand@gmail.com	A Member of the Public	Myself	Support	No	No	2/18/2022 9:01 AM
Smith, Julie	Nashua, NH cantdog@comcast.net	A Member of the Public	Myself	Support	No	No	2/18/2022 10:16 AM
Hersey, Nancy	Wolfeboro, NH Nancyric@metrocast.net	A Member of the Public	Myself	Support	No	No	2/18/2022 12:21 PM
Constantian, Mark	Hollis, NH mbconstantian@gmail.com	A Member of the Public	Myself	Support	No	No	2/18/2022 2:41 PM
Beauchain, Brenda	Fremont, NH bbfly728@yahoo.com	A Member of the Public	Myself	Support	No	Yes	2/20/2022 10:09 AM
Beauchain, Edward	Fremont, NH ed@forwater.com	A Member of the Public	Myself	Support	No	Yes	2/20/2022 10:12 AM
Hatcher, Phil	Dover, NH phil.hatcher@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/20/2022 10:40 AM
Bolduc, Jaymie	Gilmanton, NH firecat2020@yahoo.com	A Member of the Public	Myself	Oppose	No	No	2/20/2022 11:49 AM
Lussier, Deborah	Hollis, NH deb100265@aol.com	A Member of the Public	Myself	Support	No	No	2/20/2022 1:58 PM
Grady, Virginia	Hollis, NH ginnygrady13@gmail.com	A Member of the Public	Myself	Support	No	No	2/20/2022 2:27 PM
Pauer, Eric	Brookline, NH secretary@BrooklineGOP.org	A Member of the Public	Self	Support	No	No	2/20/2022 2:56 PM
Hinckley, Cheryl	Hollis, NH clockmanswife@yahoo.com	A Member of the Public	Myself	Support	No	No	2/20/2022 3:10 PM
Renner, Tatyana	Hollis, NH tnkrenner@gmail.com	A Member of the Public	Myself	Support	No	No	2/20/2022 4:16 PM
Malloy, Carelle	Barrington, NH carelle92@gmail.com	A Member of the Public	Myself	Support	No	No	2/20/2022 4:32 PM
QUISUMBING-KING, Cora	Dover, NH coraq@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/20/2022 4:39 PM
Ward-Scott, Colleen	Nashua, NH Colleenws@comcast.net	A Member of the Public	Myself	Support	No	No	2/20/2022 7:38 PM
Belanger, Dennis	Pembroke, NH belanger12@comcast.net	A Member of the Public	Myself	Support	No	No	2/20/2022 8:13 PM
Dyer, Allison	Nashua, NH allie_scott@comcast.net	A Member of the Public	Myself	Support	No	No	2/20/2022 9:10 PM

Laura, Coolidge	Alstead, NH lcoolidge.aestesart@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 12:11 AM
Sullivan, Alexandra	Merrimack, NH alexmarysullivan@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 6:47 AM
Campbell, Leonard	Meredith, NH lsoup03@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 7:35 AM
Letellier, Kathleen	Dover, NH Kathleenletellier@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 7:41 AM
Goudin, Mallory	Newmarket, NH mallorygoudin@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 8:51 AM
thompson, julia	durham, NH maple371@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 9:39 AM
Hart, Kristie	Nashua, NH Kls686@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 10:36 AM
Fisher, Mark	Dover, NH markfisher3340@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 12:54 PM
Johnson, Vivian	Hollis, NH vmj33@outlook.com	A Member of the Public	Myself	Support	No	No	2/21/2022 12:56 PM
Ryan, Moira	Londonderry, NH army51kilo@hotmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 1:43 PM
Benard, Patrice	Manchester, NH playchords@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 1:44 PM
Kinara, Tonya	Manchester, NH tlkinara@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 1:45 PM
Martin, Valerie	Nashua, NH valscustomsigns@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 1:50 PM
Martin, Kurt	Nashua, NH advanced.graphic.design@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 1:55 PM
Paquette, Amanda	pelham, NH amartin8513@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 1:57 PM
Henninger, Heidi	Dover, NH heidi.henninger@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 2:23 PM
deMichael, Elise	Henniker, NH macro-mercy.0x@icloud.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 2:30 PM
Ryan, John	Londonderry, NH jackjryan@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 2:34 PM

Ryan, Maryann	Londonderry, NH mryan@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 2:35 PM
ward, janet	contocook, NH jwardnh@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/21/2022 2:39 PM
Dontonville, Roger	Enfield, NH rdontonville@gmail.com	An Elected Official	Myself	Oppose	No	No	2/21/2022 2:43 PM
Mason, Peter	Lebanon, NH petermason68@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 2:44 PM
Potucek, Representative John	Rockingham 6 - Derry, NH potucek1@comcast.net	An Elected Official	Myself & My Constituents	Support	No	No	2/21/2022 2:57 PM
Tucker, Katherine	Wilmot, NH katherine.s.tucker@valley.net	A Member of the Public	Myself	Oppose	No	No	2/21/2022 3:37 PM
Dodge, Corinne	Derry, NH corinnedodge@hotmail.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 3:42 PM
Koch, Helmut	Concord, NH helmut.koch.2001@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 4:05 PM
Merlone, Lynn	Rindge, NH prulone@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 4:11 PM
Torpey, Jeanne	Concord, NH jtorp51@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/21/2022 4:12 PM
Hershey, Jane	Rindge, NH janelhershey@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 4:13 PM
Thomas, Anne	Rindge, NH annethomasjazz@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 4:13 PM
Martin, Patricia A	Rindge, NH pmartin2894@yahoo.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 4:13 PM
Blanchard, Sandra	Loudon, NH sandyblanchard3@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 4:20 PM
Koch, Laurie	Concord, NH kochlj@aol.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 4:21 PM
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 4:28 PM
Nardino, Marie	Andover, NH mdnardino@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 4:44 PM
Walbridge, Tracy	Rochester, NH tracywalbridge@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 5:02 PM

Le Doux, Julie	Hollis, NH jbizzbuzz@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 5:04 PM
Rasmussen, Elissa	Brookline, NH elissa@evanshatz.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 5:29 PM
Cahill-Yeaton, Miriam	Epsom, NH nmyeaton.mims@yahoo.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 5:44 PM
Robinson, Steven	Northwood, NH Nikkiandme@yahoo.com	A Member of the Public	Myself	Support	No	No	2/21/2022 6:31 PM
Robinson, Karen	Northwood, NH Bdabng12@yahoo.com	A Member of the Public	Myself	Support	No	No	2/21/2022 6:35 PM
Keeler, Margaret	New London, NH peg5keeler@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 6:43 PM
Weber, Jill	Mont Vernon, NH jill@frajilfarms.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 6:51 PM
Scott, Donald	Nashua, NH dfscott123@comcast.net	A Member of the Public	Myself	Support	No	No	2/21/2022 7:01 PM
Ellermann, Maureen	Concord, NH ellermannf@aol.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 7:19 PM
Petrusewicz, Carol	Rochester, NH clmcc2befree@yahoo.com	A Member of the Public	Myself	Support	No	No	2/21/2022 8:51 PM
Vincent, Laura	Loudon, NH lvlauravincen5@gmail.com	An Elected Official	Myself	Oppose	No	No	2/21/2022 9:11 PM
Brennan, Nancy	Weare, NH burningnan14@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 9:22 PM
Gildersleeve, Darlene	Hopkinton, NH Dmcote88@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 9:41 PM
Verschueren, James	Dover, NH jd.verschueren@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 10:17 PM
Richardson, Bryan	Alexandria, NH marks-dad@ipatriots.us	A Member of the Public	Myself	Support	No	No	2/22/2022 4:18 AM
Medeiros, Jesse	Plainfield, NH bgtrck458@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 9:22 AM
Newton, Carolyn	Gilford, NH lynnnewton7@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/22/2022 9:26 AM
CRITTENDEN, JAMES	HOLLIS, NH jcrittenden37@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 10:04 AM



Zaenglein, Barbara	AMHERST, NH bzaenglein@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/22/2022 10:05 AM
Zaenglein, Eric	Amherst, NH henley11@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/22/2022 10:09 AM
La Vallee, Jill	Canterbury, NH jill_lavallee@hotmail.com	A Member of the Public	Myself	Oppose	No	No	2/22/2022 10:11 AM
Bickford, Jessica	Barnstead, NH eessa38@yahoo.com	A Member of the Public	Myself	Oppose	No	No	2/22/2022 10:12 AM
Katz-Borrin, Jennifer	Gorham, NH Jennifer.katz-borrin@sau20.org	State Agency Staff	My school district	Oppose	No	No	2/22/2022 10:36 AM
Underhill, Matthew	Meriden, NH maunderhill@kua.org	A Member of the Public	Myself	Support	No	No	2/22/2022 10:44 AM
Corell, Elizabeth	Concord, NH Elizabeth.j.corell@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/22/2022 10:45 AM
Clark, Denise	Milford, NH denise.m.clark03055@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/22/2022 10:46 AM
DiSalvo, Kim	Plymouth, NH kdisalvo@pemibaker.org	A Member of the Public	Myself	Oppose	No	No	2/22/2022 10:54 AM
byron, janine	Hollis, NH packratt63@hotmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 11:10 AM
kosnitsky, carol	Penacook, NH ckosnitsky@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/22/2022 12:05 PM
Feder, Marsha	Hollis, NH marshafeder@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/22/2022 12:57 PM
Ginsberg, Michael	Amherst, NH mghomepl8@yahoo.com	A Member of the Public	Myself	Oppose	No	No	2/22/2022 1:12 PM
Sweeney-Blaise, Robyn	Epsom, NH robynblaise@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/22/2022 3:18 PM
Foley, Jennifer	New Boston, NH foley.ac.refinnej@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/22/2022 6:25 PM
Kennedy Sheldon, Lisa	Center Harbor, NH lisakennedysheldon@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 6:26 PM
Spencer, Louise	Concord, NH lpskentstreet@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/22/2022 6:56 PM
Watkins, Valerie	Kensington, NH Valerilyn.watkins@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 6:56 PM

Woods, Renia	Bow, NH renia.woods1@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/22/2022 8:01 PM
Dinzeo, David	Dover, NH dinz00@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/22/2022 8:41 PM
Aronson, Laura	Manchester, NH laura@mlans.net	A Member of the Public	Myself	Oppose	No	No	2/22/2022 9:05 PM
kirsch, walter	contooocook, NH kirschwalterf@yahoo.com	A Member of the Public	Myself	Support	No	No	2/23/2022 8:25 AM
Jones, Andrew	Pembroke, NH arj11718@yahoo.com	A Member of the Public	Myself	Oppose	No	No	2/23/2022 9:41 AM
Devore, Gary	Pembroke, NH torin_asheron@yahoo.com	A Member of the Public	Myself	Oppose	No	No	2/23/2022 9:41 AM
Reed, Barbara	North Swanzey, NH BDRreed74@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/23/2022 10:19 AM
Kenison, Pamela	Concord, NH pkkenison@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/23/2022 11:05 AM
Barrett, Michael	Hillsborough, NH mbjy@gsinet.net	A Member of the Public	Myself	Support	No	No	2/23/2022 1:16 PM
Feather, Joann	Hillsborough, NH mbjy@gsinet.net	A Member of the Public	Myself	Support	No	No	2/23/2022 1:17 PM
Medeiros, Jeffrey	Gilmanton, NH pasnclaws@aol.com	A Member of the Public	Myself	Support	No	No	2/23/2022 8:57 PM
Laferriere, Keith	Springfield, NH kjl3990@gmail.com	A Member of the Public	Myself	Support	No	No	2/23/2022 9:25 PM
Leavitt, Constance	Hampton, NH clleavitt@comcast.net	A Member of the Public	Myself	Support	No	No	2/23/2022 10:46 PM
Chase, Howard	Epsom, NH HOWPATCHASE@GMAIL.COM	A Member of the Public	Myself	Support	No	No	2/24/2022 6:41 AM
stonebanks, sandra	concord, NH sandrastonebanks@yahoo.com	A Member of the Public	Myself	Oppose	No	No	2/24/2022 8:18 AM
Hutchings-Salter, Karen	Somersworth, NH Karenj.salter@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/24/2022 8:29 AM
Guyotte, Anne	Gilford, NH aguyotte@metrocast.net	A Member of the Public	Myself	Oppose	No	No	2/24/2022 8:32 AM
cole-mccrea, dr candace	milton, NH snowyowl@metrocast.net	A Member of the Public	Myself	Oppose	No	No	2/24/2022 8:32 AM

Termini, Marcella	MANCHESTER, NH marcellatermini@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/24/2022 8:33 AM
LITTLEFIELD, SHANNON	Hampton, NH shshshannon@hotmail.com	A Member of the Public	Myself	Oppose	No	No	2/24/2022 10:14 AM
Cehames, Bonnie	Tuftonboro, NH Cehames@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/24/2022 10:18 AM
Shriver, Marilyn	Walpole, NH marilynrs01@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/24/2022 10:49 AM
Wells, Ashley	Rochester, NH Ashley.nemesis.77@gmail.com	A Member of the Public	Myself	Support	No	No	2/24/2022 10:55 AM
Walker, Birgit	Wolfwboro, NH walkerbirgit@yahoo.com	A Member of the Public	Myself	Oppose	No	No	2/24/2022 11:21 AM
Spinney, Catherine M	Pelham, NH cspinney58@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/24/2022 11:41 AM
Schacht, Mary	Antrim, NH wecando@comcast.net	A Member of the Public	Myself & family members	Oppose	No	Yes	2/24/2022 11:45 AM
Wahl, Cathy	Hampton, NH cathy.wahl@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/24/2022 12:09 PM
Bertrand, Jennifer	Mont Vernon, NH jennifer.j.bertrand@gmail.com	A Member of the Public	Myself	Oppose	No	Yes	2/24/2022 1:02 PM
Levesque, Andrea	Hollis, NH alevesque603@outlook.com	A Member of the Public	Myself	Oppose	No	Yes	2/24/2022 1:54 PM
Muller, Marilyn	Exeter, NH marilynmuller18@gmail.com	A Member of the Public	Myself	Support	No	No	2/24/2022 1:58 PM
Bevill, Robert	Merrimack, NH bob@bevill.com	A Member of the Public	Myself	Support	No	No	2/24/2022 2:08 PM
Honorow, Helen	Nashua, NH hhonorow@barrylawoffice.com	A Member of the Public	Myself	Oppose	No	No	2/24/2022 3:02 PM
Harris, Brenda	Conway, NH bwarner63@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/24/2022 3:52 PM
DesMarais, Edith	Wolfeboro, NH desmarpe@metrocast.net	A Member of the Public	Myself	Oppose	No	Yes	2/24/2022 4:09 PM
Wright, Jessica	Nashua, NH jessajeau@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/24/2022 5:39 PM
Foster, Debra	Dunbarton, NH debfoster@yahoo.com	A Member of the Public	Myself	Oppose	No	No	2/24/2022 6:38 PM

Spencer, Rob	Concord, NH kentstusa@aol.com	A Member of the Public	Myself	Oppose	No	No	2/24/2022 6:56 PM
Wood, James	Merrimack, NH fairlanejim@comcast.net	A Member of the Public	Myself	Support	No	No	2/24/2022 7:12 PM
Reardon, Donna	Concord, NH bugs42953@aol.com	A Member of the Public	Myself	Oppose	No	No	2/24/2022 8:25 PM
Reardon, John	Concord, NH bugs42953@aol.com	A Member of the Public	Myself	Oppose	No	No	2/24/2022 8:25 PM
Wade, Linda F	North Hampton, NH lindafwade@gmail.com	A Member of the Public	Myself	Support	No	No	2/24/2022 9:02 PM
Gore, Melissa	Windham, NH melissaleighgore@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/24/2022 9:11 PM
Karcz, Danielle	Raymond, NH daneswim@comcast.net	A Member of the Public	Myself	Oppose	No	Yes	2/24/2022 10:07 PM
Bertrand, Shawn	Mont Vernon, NH Shawn.bertrand@gmail.com	A Member of the Public	Myself	Oppose	No	Yes	2/24/2022 11:09 PM
Stinson, Benjamin	Concord, NH benrkstinson@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/24/2022 11:41 PM
Cushing, Kevin	Hampton, NH kjxcushing@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/25/2022 12:54 AM
Mehurg, Courtney	Bedford, NH mehurgc@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/25/2022 1:48 AM
Barlow, Käthe	Durham, NH kkrumich@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/25/2022 7:27 AM
Blake, Karen	North Woodstock, NH kblake4213@gmail.com	A Member of the Public	Myself	Oppose	No	Yes	2/25/2022 8:12 AM
Comeau, Alex	Nashua, NH info@comeau4nashua.com	An Elected Official	Myself	Support	No	No	2/25/2022 8:21 AM
Demeter, Micaela	Dover, NH michaelademeter@gmail.com	An Elected Official	Myself	Oppose	No	No	2/25/2022 8:27 AM
Oakes, Danielle	Dalton, NH danielleoakes1121@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/25/2022 8:37 AM
Page, Beth	Andover, NH bpage@aemseagles.org	State Agency Staff	Myself	Oppose	No	No	2/25/2022 9:07 AM
Vargas, Beatrice	Derry, NH bvargas@communitycrossroadsnh.org	A Member of the Public	Myself	Oppose	No	No	2/25/2022 9:10 AM

Shields, Maureen	Hollis, NH maureenshields@charter.net	A Member of the Public	Myself	Oppose	No	No	2/25/2022 9:34 AM
Driscoll, Margaret	Stratham, NH driscollmargaret30@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/25/2022 9:53 AM
Rosenberg, Karen	Concord, NH KarenR@drcnh.org	A Lobbyist	Disability Rights Center-NH	Oppose	No	Yes	2/25/2022 10:24 AM
Wangerin, Michelle	Portsmouth, NH mwangerin@nhla.org	A Lobbyist	New Hampshire Legal Assistance	Oppose	No	No	2/25/2022 10:31 AM
Watson, Michele	Merrimack, NH michele.watson5@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/25/2022 10:36 AM
Spinney, Brian	Derry, NH bspinney26@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/25/2022 10:41 AM
Phillips, Zachary	Concord, NH Zacharyphillips17@yahoo.com	A Member of the Public	Myself	Oppose	No	No	2/25/2022 11:01 AM
Bergeron-Beaulieu, Jane	LITCHFIELD, NH jbergeron@nhasea.org	A Lobbyist	NH Association of Special Education Administrators	Oppose	No	No	2/25/2022 11:07 AM
Pelletier, Teresa	Hampstead, NH teresapelletier74@yahoo.com	A Member of the Public	Myself	Support	No	No	2/25/2022 11:24 AM
Stevens, Holly	Concord, NH hstevens@naminh.org	A Lobbyist	NAMI New Hampshire	Oppose	No	Yes	2/25/2022 11:24 AM
Duffy, Penny	Concord, NH pennyduffy@gmail.com	A Member of the Public	Myself	Oppose	No	Yes	2/25/2022 11:26 AM
Feather, Linda	Deering, NH Lindafeather@gmail.com	A Member of the Public	Myself	Support	No	No	2/25/2022 11:59 AM
Bertrand, Chloe	Mont Vernon, NH chloelbertrand@gmail.com	A Member of the Public	Myself	Oppose	No	Yes	2/25/2022 12:34 PM
Duran, Carrie	Wolfeboro, NH carriemartinduran@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/25/2022 1:20 PM
Parker, Deanna	Hooksett, NH Deannalynnp@gmail.com	A Member of the Public	Myself	Support	No	No	2/25/2022 1:21 PM

Amendment to HB 1141

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

2

3 AN ACT relative to the special education process for individualized education programs.

4

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

6

7 1 New Paragraph; Special Education; Definitions; Least Restrictive Environment. Amend RSA  
8 186-C:2 by inserting after paragraph VII the following new paragraph:

9 VIII. "Least restrictive environment" means that to the maximum extent appropriate,  
10 children with disabilities, including children in public or private institutions, are educated with  
11 children without disabilities; and that special classes, separate schooling, or other removal of  
12 children with disabilities from the regular educational environment occurs only if the nature or  
13 severity of the disability is such that education in regular classes with the use of supplementary aids  
14 and services cannot be achieved satisfactorily consistent with 34 C.F.R. section 300.114 of the  
15 Individuals with Disabilities Education Act.

16 2 Individualized Education Programs. Amend RSA 186-C:7, II to read as follows:

17 II. The parents of a child with a disability [~~have the right to participate in the development~~  
18 ~~of the individualized education program for the child~~] **shall be full participants on the**  
19 **individualized education program (IEP) team pursuant to 34 C.F.R. sections 300.321 and**  
20 **300.322 of the Individuals with Disabilities Education Act** and **have the right** to appeal  
21 decisions of the school district regarding such child's individualized education program as provided  
22 in rules adopted in accordance with RSA 541-A by the state board of education.

23 3 Special Education; Individualized Education Programs. Amend RSA 186-C:7 to read as  
24 follows:

25 186-C:7 Individualized Education Programs.

26 I. The development of an individualized education program for each child with a disability  
27 shall be the responsibility of the school district in which the child resides or of the school district  
28 which bears financial responsibility for the child's education.

29 II. The parents of a child with a disability have the right to participate in the development of  
30 the individualized education program for the child and to appeal decisions of the school district  
31 regarding such child's individualized education program as provided in rules adopted in accordance  
32 with RSA 541-A by the state board of education.

1 III. [~~Each child's individualized education program shall include short term objectives or~~  
2 ~~benchmarks unless the parent agrees that they are not necessary for one or more of the child's~~  
3 ~~annual goals.] ***The IEP meeting shall comply with the following:***~~

4 (a) ***Each school district shall take steps to ensure that one or both parents of the***  
5 ***child with disabilities are present at each IEP meeting or provided the opportunity to***  
6 ***participate.***

7 (b) ***The meeting should be scheduled at a mutually agreed upon time and place.***

8 (c) ***The required notice of the IEP meeting shall include the purpose, time, and***  
9 ***location of the meeting and who will be in attendance.***

10 (d) ***The parents of the child may object to the participation of an individual in***  
11 ***an IEP team meeting who does not meet the requirements of 34 C.F.R. section 300.321(a). If***  
12 ***the parents object, the meeting shall be postponed and rescheduled.***

13 ***IV. Each child's individualized education program shall incorporate the provisions***  
14 ***of 34 C.F.R. section 300.320.***

15 4 Special Education; Rulemaking. Amend the introductory paragraph of RSA 186-C:16 to read  
16 as follows:

17 186-C:16 Rulemaking. The state board of education shall adopt rules, pursuant to RSA 541-A,  
18 and consistent with [~~the provision of a free appropriate public education]~~ ***federal law and this***  
19 ***chapter***, relative to:

20 5 Special Education; Mediation; Procedure. Amend RSA 186-C:24, II to read the following:

21 II. Mediation shall be provided as follows:

22 (a) A request for mediation shall be made in writing by either party to the commissioner  
23 of education. The mediation request shall specify the issue or issues in dispute and the relief sought;

24 (b) A mediation conference shall be conducted within 30 calendar days after receipt of a  
25 written request at which time:

26 (1) Issues shall be determined;

27 (2) Options explored; and

28 (3) Mediation attempts made within New Hampshire law.

29 (c) ***Mediation is voluntary on the part of the parties;***

30 (d) ***Mediation cannot be used to deny or delay a parent's right to a hearing on***  
31 ***the parent's due process complaint.***

32 (e) The role of the mediator shall be:

33 (1) To facilitate communication.

34 (2) To define the issues and explore alternatives.

35 (3) To remain neutral.

36 [~~(d)~~] (f) The mediation conference shall be:

37 (1) Informal; and

Amendment to HB 1141

- Page 3 -

1 (2) Held at a time and place reasonably convenient and mutually agreeable to the  
2 parties in the dispute.

3 [~~(e)~~] (g) If the mediation results in agreement, the conclusions shall be incorporated into  
4 a written binding agreement signed by each party. If the mediation does not result in agreement,  
5 the mediator shall document the date and the participants at the meeting. No other record of the  
6 mediation shall be made. The mediator shall not be called as a witness in any additional  
7 proceedings in the specific case that the mediator mediates.

8 [~~(f)~~] (h) The mediator may terminate the mediation after at least one meeting if in the  
9 mediator's judgment the parties are not making progress toward resolving the issue or issues in  
10 dispute.

11 [~~(g)~~] (i) Pending the outcome of mediation, no change shall be made to a pupil's  
12 classification, program or placement, unless both parties agree to the change.

13 (j) *Discussions that occur during the mediation process shall be confidential*  
14 *and shall not be used as evidence in any subsequent due process hearing or civil*  
15 *proceeding.*

16 (k) *Parties to the mediation process shall not be required to sign a*  
17 *confidentiality pledge or nondisclosure agreement prior to, or as a precondition, to the*  
18 *commencement of the mediation process.*

19 6 Special Education; Parental Data Access Rights. Amend RSA 186-C by inserting after section  
20 24 the following new section:

21 186-C:24-a Parental Data Access Rights.

22 I. Each school district shall permit parents to inspect and review any education records  
23 relating to their children that are collected, maintained, or used by the agency. The district shall  
24 comply with a request without unnecessary delay and before any meeting regarding an IEP, or any  
25 hearing, or resolution session, and in no case more than 45 days after the request has been made.

26 II. Parents shall have right to a response from the school district to reasonable requests for  
27 explanations and interpretations of the records.

28 III. A parent who believes that information in the education records collected, maintained,  
29 or used under this chapter is inaccurate or misleading or violates the privacy or other rights of the  
30 child may request the school district that maintains the information to amend the information.

31 IV. The school district shall decide whether to amend the information in accordance with the  
32 request within a reasonable period of time of receipt of the request.

33 V. If the school district decides to refuse to amend the information in accordance with the  
34 request, it shall inform the parent of the refusal and advise the parent of the right to appeal the  
35 decision as provided in rules adopted in accordance with RSA 541-A by the state board of education.

36 7 Funding for Chartered Public Schools. Amend RSA 194-B:11, III(a) to read as follows:



Amendment to HB 1141

- Page 4 -

1 III.(a) In accordance with current department of education standards, the funding and  
2 educational decision-making process for children with disabilities attending a chartered public  
3 school shall be the responsibility of the resident district [~~and shall retain all current options~~  
4 ~~available to the parent and to the school district~~]. ***The resident district shall fund a free and***  
5 ***appropriate public education for children with disabilities in the least restrictive***  
6 ***environment in which the student's individualized education program (IEP) can be***  
7 ***implemented.***

8 8 Funding for Chartered Public Schools. Amend RSA 194-B:11, III(c) to read as follows:

9 (c) Consistent with section 5210(1) of the Elementary and Secondary Education Act and  
10 section 300.209 of the Individuals with Disabilities Education Act, when a parent enrolls a child with  
11 a disability in a chartered public school, the child and the child's parents shall retain all rights under  
12 federal and state special education law, including the child's right to be provided with a free and  
13 appropriate public education, which includes all of the special education and related services  
14 included in the child's IEP. The child's resident district shall have the responsibility, including  
15 financial responsibility, to ensure the provision of the special education and related services in the  
16 child's IEP ***in the least restrictive environment***, and the chartered public school shall cooperate  
17 with the child's resident district in the provision of the child's special education and related services.

18 (d) ***A resident district shall comply with all the provisions of 34 C.F.R. section***  
19 ***300.324 before changing the nature, extent, or location of services provided in an IEP.***

20 9 Repeal. RSA 186-C:16-c, relative to rules exceeding state or federal minimum requirements,  
21 is repealed.

22 10 Effective Date: This act shall take effect upon its passage.

2022-0119h

AMENDED ANALYSIS

This bill establishes requirements for individualized education program meetings and procedures, including those of students in chartered public schools.

UNAPPROVED

Testimony on HB1141

From Debrah Howes, President AFT-NH

To NH House Education Committee

Dear Chairman Ladd and Members of the Committee,

My name is Debrah Howes. I am the president of the American Federation of Teachers-NH. AFT-NH represents 3,500 teachers, paraeducators and school support staff, public service employees and higher education staff across New Hampshire.

I am writing in opposition to HB 1141. Our opposition to this bill stems first from the fact that it is unnecessary and duplicates things that already exist in current law. Current federal and state special education law already requires that:

- a student with special needs be provided with a free and appropriate education in the least restrictive environment.
- parents receive prior written notice of an IEP meeting,
- parents are able to invite people they choose who have knowledge of the student and
- a teacher who works with the student in the regular education setting, in the case of this bill, the charter school classroom, be invited to and participate in the IEP meeting
- the parent approve the IEP developed by the team, and any subsequent changes to it.

The second reason for our opposition to this bill is the removal of the language about the sending district retaining all its current options under the law for how it provides special education services. Current law is clear. It is the public school district, not the charter school, that bears the legal and financial responsibility for providing special education services in the least restrictive environment. Under current law, a sending district can either:

- send its own certified or qualified staff to the charter school to provide services
- contract with a qualified service provider to go to the charter school to deliver services
- bring the student to the district school to receive services from the appropriate certified or qualified district staff
- transport the student to a qualified outside service provider
- contract directly with the charter school for the charter school to provide the agreed upon service

Our concern is that the way this bill rewrites current law, sending districts will be limited to the last option and the cost can be considerable. While we agree special education is about meeting students' needs, in traditional public schools, we do that in a way that we share resources. We create schedules so those certified special education teachers, speech language pathologists, physical therapists, paraprofessionals, and others see students in

rotations. They provide services to many students over the course of a day or week. We need the flexibility to do that so that we can provide the best quality of services to students with special needs, regardless of where they receive their regular education services, while still being mindful of our responsibility to be good stewards of the taxpayers' money.

Public charter schools are already given twice the amount of per pupil adequacy aid of neighborhood public schools. Two years ago, when pressed on this point Commissioner Edelblut stated it was because when neighborhood public schools needed more funds, they have a tax base to go back to. Respectfully, we disagree. Our local towns tax dollars are already stretched thin and as a state we should be doing more to fund public education to help ease that burden. We deserve good schools for all New Hampshire students and that starts with properly funding out schools not continuing to drain them all resources. I urge you to oppose HB1141.

Sincerely, Debrah Howes

*Debrah Howes*  
President, AFT-NH

January 26, 2022

Dear Chairman Ladd and members of the House Education Committee:

Thank you for accepting this written testimony on **HB 1141** on behalf of the members of the NH School Administrators Association. For the reasons listed below, we are not in support of this bill due to the redundancy of its language.

This bill requires the resident district to fund a free and appropriate education to a child with disabilities attending a charter public school. The **NH Standards for the Education of Students with Disabilities (March 2017)** already defines funding and educational decision-making responsibilities. Details provided below.

The **NH Standards for the Education of Students with Disabilities (March 2017)** already requires the resident district's obligation to provide a free and appropriate education to a child with disabilities attending charter school. Details provided below.

This bill requires the resident district of a child with a disability to obtain written consent of the child's parent before changing the nature of the child's services. The obligation for the district to obtain parental consent is already defined in the "**NH Standards for the Education of Children with Disabilities**" (March 24, 2017). Details provided below.

### **Funding and Educational Decision Making**

**Chapter 194-B:11 Chartered Public Schools: Funding** already outlines the resident district's responsibility for funding and educational decision-making for students who require special education services while attending public charter school as such:

*III. (a) In accordance with current department of education standards, the funding and educational decision-making process for children with disabilities attending a chartered public school shall be the responsibility of the resident district and shall retain all current options available to the parent and to the school district.*

**Chapter 194-B:11 Chartered Public Schools: Funding** already states that children with a disability who attend chartered public schools retain all rights, including the child's right to a free and appropriate public education as quoted below:

*(c) Consistent with section 5210(1) of the Elementary and Secondary Education Act and section 300.209 of the Individuals with Disabilities Education Act, when a parent enrolls a child with a disability in a chartered public school, the child and the child's parents shall retain all rights under federal and state special education law, including the child's right to be provided with a free and appropriate public education, which includes all of the special education and related services included in the child's IEP.*

## **Parental Consent**

Parental consent is defined in the “NH Standards for the Education of Children with Disabilities” (March 24, 2017) under Part Ed 1102.04 includes “*changing the nature or extent of special education and related services*” as defined as quoted below:

### **Ed 1120.04 Parental Consent.**

- (a) An LEA shall obtain informed, written consent from the parent of a child with a disability prior to:*
- (1) Conducting an initial evaluation;*
  - (2) Initial provision of special education and related services to a child with a disability;*
  - (3) Annual renewal of the IEP and placement of a child with a disability;*
  - (4) Determining or changing the disability classification;*
  - (5) Changing the nature or extent of the special education or special education and related services;***
  - (6) Conducting a reevaluation;*
  - (7) Access to public insurance pursuant to 34 CFR 300.154(d)*

Thank you for your consideration of this written testimony.

Respectfully,

Jerome Frew,  
NHSAA

I Support HB1141

Hon Representatives,

I Support HB1141.

NH has one of the oldest state constitutions in the Nation. And it is clear:

“Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government; and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to promote this end; it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools...” N.H. Const. Pt. 2, art. 83

That people with disabilities should continue to have that right in any educational setting is intrinsic to this right.

Please support HB1141 so that “all government of right originates from the people, is founded in consent, and instituted for the general good.”

Respectfully,

Len

Leonard Campbell  
Meredith, NH  
603-455-1105

To the Plainfield School Board,

As I am unable to attend the meeting of the School Board on February 9th, I wanted to put my thoughts into writing as to why Plainfield must end its mandated masking of children.

When I spoke at a meeting in August and opposed the masking of children, I asked two questions for the board to address. I would like to ask them again.

### **1. How much risk is tolerable?**

We are over two years into Covid and still not a single death of a child has occurred in New Hampshire. Not one. There is no pandemic for children. There never has been. The risks of the pandemic were never for children, and yet adults have forced them to carry the burden of it. The CDC reports that the child mortality rate for kids who get Covid remains less than 0.01%.<sup>1</sup> That number is likely much lower, as it only includes documented cases. And not a single child death has been reported from the Omicron variant, which now makes up nearly every new case of Covid in America. Among the vaccinated, which everyone now has the opportunity to become, hospitalizations and deaths are almost zero among those under 65.<sup>2</sup>

The bottom line is that there is virtually zero risk for our children right now and for any vaccinated adult in PES. Of course, there will never be zero risk, but it is riskier for our kids to ski at Whaleback or swim in a pool than it is for them to be harmed by Covid. There never was a pandemic for children, thankfully, and there never was a reason for them to be masked in the first place.

### **2. What are the psychological consequences of masking children?**

The CDC reports a 51% increase in adolescent girl suicide attempts since the start of masking and lockdowns. 47 children in New Hampshire have taken their own lives since then, which is 47 more than have died of Covid<sup>3</sup>

As of this writing, there is not a single child hospitalized with Covid in New Hampshire but, according to a Concord Monitor article, there are more than 30 children on waiting lists for mental-health hospital beds, which was never the case prior to lockdowns and masking.<sup>4</sup>

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<sup>1</sup> <https://data.cdc.gov/NCHS/Provisional-COVID-19-Deaths-Focus-on-Ages-0-18-Yea/nr4s-juj3>

<sup>2</sup> <https://www.nytimes.com/2022/01/11/briefing/omicron-deaths-vaccinated-vs-unvaccinated.html>

<sup>3</sup> <https://nbcmontana.com/news/nation-world/cdc-saw-51-increase-in-suicide-attempts-by-adolescent-girls-during-pandemic>

<sup>4</sup> <https://www.concordmonitor.com/ed-boarding-mental-health-41111514>



There are documented reports of mask-dependency among children, as a way to cover up for a lack of social skills and to cope with social anxiety. Some children are now so conditioned to wearing a mask that they refuse to take it off, even at home.<sup>5</sup>

Last week, an NBC News report uncovered that there has been more than a 300% increase in the number of children with delayed speech since masking began.<sup>6</sup>

A recent study in a European medical journal stated that face masks “diminish people’s ability to accurately categorize an emotion” and that seeing someone in a mask negatively affects “trustworthiness, likeability, and closeness” to the point that “alternatives to face masks are needed.”<sup>7</sup>

The American Academy of Pediatrics recently declared “a national emergency in child and adolescent mental health,” specifically noting an increase in suicide attempts, as well as “soaring rates of depression, anxiety, trauma, loneliness, and suicidality that will have lasting impacts on them, their families, and their communities.”<sup>8</sup>

My daughter has to play basketball while dripping sweat into a paper mask, which she, like every single player on the court for both teams, has to pull down below her mouth just to breathe properly after sprinting. Worse, I have witnessed referees pull their masks down in order to tell players to pull their masks up. That is not only hypocritical; it’s borderline abusive. The WHO recommends no masks during exercise.<sup>9</sup>

Mandated masking needs to end. Parents and students can still wear masks if they choose, as one-way masking works.<sup>10</sup> But it is time to stop controlling other peoples’ children with Covid theater and selective masking. If we vote to continue mask mandates now, when there is zero risk, when will they end? We need to get our children back to normal before it is too late.

Thank you for your time and thought on this matter.

Sincerely,

Matt Underhill

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<sup>5</sup> <https://www.wsj.com/articles/when-wearing-a-mask-covers-up-a-social-anxiety-problem-11635678000>

<sup>6</sup> <https://www.wpbfl.com/article/palm-beach-covid-therapist-speech-delays/38189805#>

<sup>7</sup> <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0249792>

<sup>8</sup> <https://publications.aap.org/aapnews/news/17718>

<sup>9</sup> <https://www.businessinsider.com/who-dont-wear-masks-during-vigorous-intensity-physical-activity-2020-12>

<sup>10</sup> <https://www.theatlantic.com/politics/archive/2022/01/does-it-help-wear-mask-if-no-one-else/621177/>

J E N N I F E R J B E R T R A N D

February 24, 2022

RE: PLEASE Oppose HB 1141 Amendment 2022-0119h

Dear Chairman Ladd and Members of the House Education Committee,

My family resides in Mont Vernon, NH and I am the mother of four children. I am writing to urge you to vote down HB 1141 Amendment 2022-0119h as multiple provisions in the amendment would reduce important NH special education rights and protections that help ensure accountability and transparency as well as ensure parents and schools work together to help students with disabilities succeed at school and receive an adequate public education.

My now young adult daughter Chloe Bertrand benefitted from special education due to her significant developmental and intellectual disability. The NH protections currently in place made it possible for Chloe to receive a free and appropriate public education and ensured my husband and I were informed members of her Individualized Education Plan (IEP) team so we could support her educational success and collaborate with her teachers and the school district.

Chloe graduated Souhegan High School in Amherst, NH with a certificate of completion and has now transitioned seamlessly into adulthood in no small part due to NH's special education rights and protections that go above the Federal minimum (IDEA) which is intended to be a floor, and not a ceiling. The special education services Chloe received and the skills she learned made it possible for her to land a paid job before graduation and she has now launched a successful small business - a data destruction enterprise - in adulthood, Chloe's Shred Shed. With the direction of a knowledgeable vocational education consultant who provided critical guidance and support to Chloe's IEP team during her high school years Chloe graduated job and career ready so she can be as self-sufficient and live as independently as possible. See pictures at the bottom of this letter.

This amendment takes away multiple current NH special education rights and protections that would cause harm to students and interfere with a parent's ability to be informed about their child's progress. In section 2, the amendment would adopt minimum requirements in IDEA, so NH would no longer:

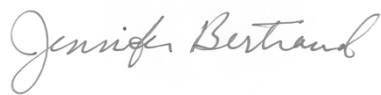
- clarify that a paraprofessional, or a representative of DCYF or a Guardian ad Litem may be included on the IEP team under the category of "other individuals who have knowledge or special expertise regarding the child",
- include an individual knowledgeable about the vocational education and/or vocational or career or technical education programs being considered for a child with a disability;
- include a timeline (generally at least 72 hours) for notifying the other party of the expected absence of an IEP team member (IDEA just requires the other party to be notified before the meeting); or
- have a clear 10-day timeline for notifying parents before an IEP team meeting (IDEA requires that parents be given "enough" notice to have the opportunity to attend)

Section 3 would also no longer require the use of Short-term Objectives (STOs) in a student's individual education plan (IEP) who do not take alternative assessments. These critical benchmarks are necessary to inform parents and teachers about a student's progress and allows the team to intervene in a given year when a student receiving special education is not making adequate progress. STOs help ensure students stay on the right track to achieve their annual goals so they can succeed.

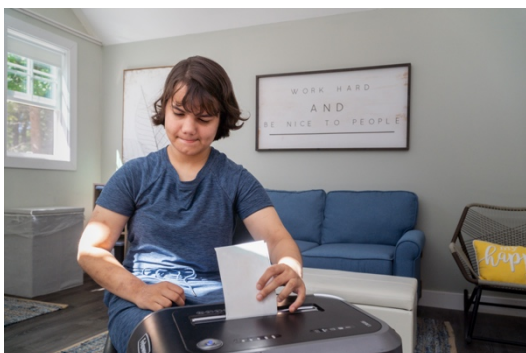
This amendment includes numerous other disastrous changes in sections 3 - 8 that would reduce other NH special education rights and protections. These changes will hurt students with disabilities. The amendment makes it harder for parents to be informed (i.e. there would be NO requirements about how changes are made relative to the nature or extent or location of services provided in an IEP), provide input, etc. as well as a parent's ability to support the overall educational success of their child with a disability. This amendment is wrong for NH.

Please VOTE NO to HB 1141 Amendment 2022-0119h.

Thank you in advance for your consideration,



Jennifer Bertrand  
[Jennifer.j.bertrand@gmail.com](mailto:Jennifer.j.bertrand@gmail.com)  
603-673-4215  
603-930-1235



**Robert T. Bevill, J.D., LL.M.**  
12 Blair Road  
Merrimack, NH 03054  
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February 24, 2022

Via email and N.H. House Online Testimony Portal  
(<http://gencourt.state.nh.us/house/committees/remotetestimony/default.aspx>)

Rick Ladd, Chair  
NH House Education Committee  
Legislative Office Building  
Concord, NH 03301

RE: In SUPPORT of Amendment 2022-0119h on HB 1141 (relative to the special education process for individualized education programs)

My name is Robert Bevill, and I am a resident of Merrimack, New Hampshire. I support the Amendment 2022-0119h on HB 1141 (relative to the special education process for individualized education programs).

For too long RSA 186-C, SPECIAL EDUCATION, (the New Hampshire statute which is supposed to bring the state of New Hampshire into compliance with federal law), has been open to interpretation by the school districts' legal counsel to the detriment of the protected class of citizens in our state for which this law is intended to protect.

One of the strongest points I would like to make is that whatever our state law requires for the Individualized Education Program process, it cannot be less than the requirements of federal law. This is referred to as federal conflict preemption. Federal conflict preemption occurs when state law poses an "obstacle" to the accomplishment of the "full purposes and objectives" of Congress ("obstacle preemption"). See Hines v. Davidowitz, 312 U.S. 52, 67 (1941).

With this proposed amendment, much of the ambiguity will be removed and will assist in providing clarity, accountability and transparency in the Individualized Education Program (IEP) process for parents and students in New Hampshire. And I thank Vice Chair Glenn Cordelli for its proposal.

## **1. Least Restrictive Environment**

**Section 1** of the amendment proposes the inclusion of the definition of the "Least Restrictive Environment" which already appears in the federal regulations at 34 C.F.R.

§ 300.114. It would seem redundant to include the federal definition into state law. However, many school districts do not follow § 300.114, and choose to warehouse all special education students, keeping them out-of-sight / out-of-mind of the regular education students. This is exactly what this law is intended to prevent. We, as parents of special needs children, want them included “*to the maximum extent possible*” with children who do not have disabilities. By including this language into state statute, school districts will no longer be able to warehouse our children and keep them from interacting with other neurotypical students.

## **2. Parental Rights in attending all IEP meetings**

**Section 2** of the amendment codifies what already exists regarding parental rights in the development and participation of their child’s IEP in the federal regulations, codified at 34 C.F.R. §§ 300.321 and 300.322. And again, it would seem redundant to have to repeat what federal law says. However, again, school districts sometime impede one or both parents in developing and participation in their child’s IEP. This is in violation of federal law.

Another incorrect theory proposed by those in opposition is that the language of Section 2 will restrict participation in the IEP team by other necessary participants. This is totally incorrect. Federal regulations state that: “*At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate*” may be part of the IEP team. See 34 C.F.R. § 300.321 (a) (6).

Section 2 merely codifies existing federal law as to the rights of parents in the development and participation of their child’s IEP.

## **3. Establishing reasonable time and place of IEP meetings**

**Section 3** of the amendment provides for making sure that one or both parents are present at each IEP meeting. The reason this amendment is included is because many school districts dictate that IEP meetings can only occur during school hours inside school facilities. This is totally incorrect. Parents are the only people at the table that are not being paid to be there. And most parents have to take time off from work or hire a babysitter to attend these meetings. Therefore, New Hampshire laws needs to codify that parent participation is an important part of the IEP process (34 C.F.R. § 300.322 (a)) and the school district “*must take steps to ensure ... the parents ... are present at each IEP meeting*” and that the “*scheduling [of] the meeting [should be] at a mutually agreed time and place.*”

I believe that there is a clerical error in Section 3 in that it proposes striking out the inclusion of short-term objectives or benchmarks. Since IEP Teams meet more than just for the annual review of the IEP, therefore in order to provide development, review, and revision of the IEP (34 C.F.R. § 300.324), it may be necessary for the IEP team to include short-term objectives and benchmarks, which would be revisited at a subsequent IEP team meeting.

Section 3 codifies federal requirements that IEP meetings be scheduled at a reasonable time and place in order that parents may fully participate in each IEP meeting.

#### **4. Housekeeping**

**Section 4** is an administrative language change in order to comport with state administrative laws, subject to RSA 541-A.

#### **5. Codifying existing NH DOE practice for mediation**

**Section 5** codifies what is already the practice and procedure of the mediation process within the Department of Education. By codifying the practice, parents can be assured that the practice and procedure for mediation will be consistently applied in all mediation matters and will not be subject to the hearing officer's discretion.

#### **6. Proper access and corrections to a child's educational record**

**Section 6** speaks to the rights of the parents to access their child's educational records. Under the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99), parents and eligible students have the right to inspect and review the student's educational records maintained by the school district. FERPA also guarantees that parents or eligible students have the right to request that a school correct its records which the parents believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information. *See* 34 C.F.R. Part 99.

The reason for codifying this federal statute into state law is because some school districts have chosen to ignore or reinterpret this law to say something different. By codifying the rights of parents and students that already exist in FERPA into state law,

there can be no further ambiguity and school districts can no longer attempt to avoid its enforcement.

## **7. Eliminating federal conflict preemption**

While I believe that Vice Chair Cordelli has offered an excellent amendment to RSA 186-C in order to provide clarity, accountability and transparency to the IEP process. I also believe that this amendment needs the inclusion of language that ultimately eliminates any future federal conflict preemption issues. Therefore, I would propose a **Section 8** be included to Amendment 2022-0119h, which should include the following language into the RSA 186-C statute:

8. New Paragraph: Amend RSA 186-C:16-c by inserting after paragraph II the following new paragraph:

**III. Nothing in this chapter shall be construed to be in conflict with the minimum requirements of federal law.**

Thank you for your attention in this matter. **Please vote in favor of Amendment 2022-0119h on HB 1141.**

Respectfully,

/s/ Robert T. Bevill, J.D., LL.M.

I oppose this amendment as it minimizes the requirements for the strongest possible education for our special needs children. I believe it is saving pennies now to cost us dollars later as these children will not be provided with the best tools to function as fully as possible in our economy and society. It is wasting the best years of brain development when that investment will have the biggest impact. We should NOT water down their programs and support. This amendment should not be added to this bill.

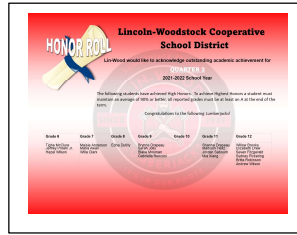
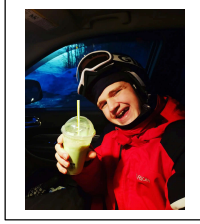
Edith DesMarais, Wolfeboro, NH



February 25, 2022

Karen M. Blake  
6 Depot Street  
North Woodstock, NH 03262

Chairman Rick Ladd  
House Education Committee  
Legislative Office Building  
Concord, NH 03301



My name is Karen Blake and I live in North Woodstock, NH. I am writing to ask you to oppose the proposed non-germane amendment to HB1141 which, if passed, would eliminate my son's chances of graduating High School at all with a real diploma let alone on time as he is currently on track for.

Full disclosure I work for Community Supports Network, Inc. as the part-time Director of Public Policy and advocacy and member of NHS Family Support Advisory Council. My husband and I are also small business owners in the White Mountains. Today, I am submitting written testimony only on my own behalf.

I would like to tell you about my son Blake Mosman. He is a smart, creative, funny 14-year-old, who wants to be the next George Lucas. He also experiences Autism, ADHD and Auditory Processing Disorder and is currently attending Lincoln-Woodstock High School as a freshman. Blake earned honors Q1 and high honors Q2 of this school year. My son has challenges writing and requires modifications to show what he knows. He requires a team of people to be successful like someone to help him get to his classes and navigate the social interaction in class and understand social dynamics to be successful and more. Technology has been a saving grace for him to be able to talk to text to write his papers, take tests and more. But he needs his team.

If Blake Mosman can continue with his current supports and services under his IEP there is a very good chance he will graduate and go on to college. If he does not continue to receive the services and support and his parents ongoing input into his education I don't know where he will be. I know that he will not be going to college or have the possibility of gainful employment maybe needing only minimal supports. If he does not graduate high school, with a real diploma he earned, then I can tell you he will be dependent on the state and federal government for his support for life.

I would again ask you to consider my son and all of the other school aged children here in New Hampshire who receive education under IEP and supports more than the baseline protections in IDEA. In my opinion we have one of the finest education systems in the country especially for individuals who experience disability. Are they perfect? No, but if you take these protections away then you are not taking my son's choices for education away, you will be taking away his chance at a better life. Thank you for considering my testimony.

Sincerely,

Karen M. Blake  
(603) 348-8830

# DISABILITY RIGHTS CENTER - NH

64 North Main Street, Suite 2, Concord, NH 03301-4913 • mail@drcnh.org • drcnh.org  
(603) 228-0432 • (800) 834-1721 voice or TTY • FAX: (603) 225-2077

February 25, 2022

## **Via Electronic Mail Only**

Education Committee  
NH House of Representatives  
Legislative Office Building, Room 207  
33 North State Street  
Concord, NH 03301

**RE: House Bill 1141, Proposed Amendment No. 2022-0119h, relative to the special education process for individualized education programs**

Dear Representative Ladd and Members of the Committee:

I am writing on behalf of the Disability Rights Center – NH (DRC-NH) to voice our strong opposition to the proposed amendment to HB 1141. This proposed amendment rolls back important rights and protections contained in New Hampshire’s current laws and rules regarding the provision of special education and related services for students with disabilities. Rather than, as Section 2 of the amendment provides, ensure that parents of children with disabilities are “full participants” on their children’s IEP teams, the proposed amendment removes many of the protections in New Hampshire’s law and rules that support parent involvement and meaningful participation in the development and implementation of their children’s IEPs.

The proposed amendment to HB 1141 appears to be an effort to eliminate many of the requirements in New Hampshire law and rules that clarify or exceed the federal minimum requirements contained in the Individuals with Disabilities Education Act (IDEA) and its enabling regulations. In addition, the proposed amendment diminishes a parent’s ability to secure timely access to their child’s education records. Federal special education law sets the minimum requirements for states that accept federal IDEA funds. States can, and should, tailor their state’s laws to meet the needs of their students with disabilities. New Hampshire has done this through legislation (R.S.A. 186-C) and development of the New Hampshire Standards for the Education of Children with Disabilities (Ed 1100, *et seq.*), also referenced herein as “rules.”

New Hampshire’s special education law and rules that clarify or exceed the federal law support parent involvement, provide clarity, accountability, and transparency, and include requirements to better prepare students with disabilities for life after high school. Rather than rolling New Hampshire’s special education law and rules back to the federal minimum requirements, we should be considering whether our special education law and rules adequately supports the delivery of a free appropriate public education (FAPE) for children with disabilities.

*Protection and Advocacy System for New Hampshire*

The Proposed Amendment Undermines the Ability of Parents to Effectively Participate in IEP Team meetings.

The following are some examples of how the proposed amendment, including elimination of New Hampshire's laws and rules that clarify or exceed the minimum federal special education requirements, would impede parent participation in IEP Team meetings:

(a) Parents would no longer be entitled to receive reports of their children's evaluations 5-days before the meeting in which they will be discussed (Ed 1107.04(d)). Denying parents the opportunity to review evaluation reports before the IEP team meeting diminishes their ability to understand those reports, ask questions and be prepared to advocate for schools to appropriately address the evaluator's findings and recommendations.

(b) Parents would not be entitled to secure timely access to their children's education records. Current law requires school districts to permit parents to inspect and review their children's education records no more than 14 days after a parent's request. (R.S.A. 189:66, IV(a)). The amendment would allow schools to delay a parent's access to their child's education records for 45 days. Parents require much quicker access to educational records to assess their children's needs, determine whether schools have implemented their IEPs, prepare for IEP Team meetings and, when disputes arise, to draft complaints, and prepare for mediation or due process.

The Proposed Amendment Undermines the Ability of Parents to Monitor their Children's Progress towards their IEP goals.

(a) The proposed amendment removes the requirement that IEPs include short-term objectives or benchmarks unless parents agree they are not necessary for one or more goal. Short-term objectives and benchmarks provide guideposts for measuring a child's progress and assessing whether a child is on track to meet their annual goals.

(b) The proposed amendment would remove the requirement that school districts maintain written evidence documenting implementation of the IEP including all special education, related services, supplementary aids and services provided. (Ed 1109.04(b)). This documentation is critically important when questions arise concerning whether a school district has provided all the services and supports required in the student's IEP.

(c) The proposed amendment would eliminate the requirement that IEPs include statements regarding how the child's progress toward meeting their annual goals will be provided to the parents, how the child's progress towards meeting the annual goals will be measured and, most importantly, whether the child's progress is sufficient to achieve the annual goals by the end of the school year. (Ed 1109.01(a)(8),(9)). It is imperative that IEP teams determine how a student's progress will be measured. Otherwise, the IEP team will not be able to accurately determine whether a student has made adequate progress towards their annual IEP goals. Because parents are arguably the most important member of their child's IEP team, schools should ensure they receive timely progress updates to enable them to monitor their child's progress.

The Proposed Amendment would remove currently required components of a student's IEP that are intended to support the student's receipt of a free appropriate public education, including facilitating the student's successful transition from high school to post-secondary life.

(a) The proposed amendment would eliminate the requirement that a student's IEP include the length of school year and school day required to implement the IEP. (Ed 1109.01(a)(2)). Some students require longer school days or years than others to receive a FAPE. This requirement ensures that IEP teams consider whether a student may require additional instruction time to receive a FAPE.

(b) The proposed amendment would eliminate the requirement that a student's IEP include the types of service providers who would be responsible for implementing the IEP or the names of those providers. (Ed 1109.01(a)(3)). This requirement is essential to enable a parent to make sure that the individuals who implement their child's IEP are qualified to do so.

(c) The proposed amendment would eliminate the requirement that a student's IEP include a statement of transition services, beginning at age 14 or younger, if determined appropriate by the IEP team, including a statement of the transition service needs of the student that focuses on the student's courses of study such as participation in advanced-placement courses, vocational education or career and technical education. (Ed 1109.01(a)(10)). Federal special education laws do not require transition planning until a student turns 16 – typically when a student is in their junior year of high school. By this time, students may have missed opportunities to take the classes they need to be admitted to four-year college programs or to take full advantage of career and technical education programs that would better prepare them to secure competitive employment.

The Proposed Amendment may limit opportunities for Children with Disabilities to attend Chartered Public Schools.

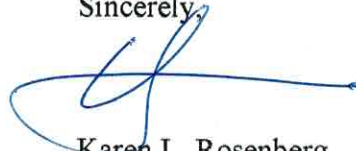
The language in Section 7 of the proposed amendment is confusing. The amendment retains the current requirement that the resident school district is responsible for providing the funding necessary to ensure that students who attend public chartered schools receive the services and supports required in their IEPs. However, the bold-italicized language in paragraph III(a) might be used by school districts to deny such funding should the IEP team determine that the student's IEP cannot be implemented in a particular chartered public school. The proposed amendment does not contain any standards to guide the determination about whether the chartered public school would be able to implement the student's IEP. The concern is that the proposed amendment would incentivize a school district to find a chartered public school is not able to implement a student's IEP to avoid providing the needed funds to implement a student's IEP in a chartered public school.

Children with disabilities should have the same opportunity to attend chartered public schools as students without disabilities. Parents should not be forced to decide between having their children attend their neighborhood public school with the services and supports in their IEPs or having their children attend chartered public schools without those services and supports.

In summary, DRC-NH objects to the proposed amendment to HB 1141 because it would severely undermine the ability of parents to participate in their children's IEP Team meetings. Further, the proposed amendment would diminish the ability of parents to monitor their children's progress on their IEP goals, reduce the quality of their IEPs and potentially impair the opportunities children with disabilities may have to receive a FAPE in a public chartered school. DRC-NH, therefore, requests you do not adopt the proposed amendment.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, consisting of a large, stylized 'K' followed by 'L. Rosenberg'. The signature is written over the word 'Sincerely,' and extends to the right.

Karen L. Rosenberg  
Policy Director

Remote Testimony  
Submitted by Brian D. Spinney of  
5 Oak Street, APT 4  
Derry, NH 03038

February 25, 2022

My name is Brian Spinney and I ask you to Oppose HB 1141. I am a father of a 14-year-old son with ADHD and Autism who currently attends Pinkerton Academy in Derry. While HB 1141 may appear to be a very mild amendment relaxing state requirements, current standards are both strong and appropriate. My son requires comprehensive and thoughtful considerations of what is provided for in his IEP, and the current requirements are exemplary of what a great state like New Hampshire *should* be doing.

Communication is *key* between a parent and child's support team. My wife and I have been thrilled with the communication and comprehensive nature of the IEP process. Removing requirements (seemingly simple requirements like agreed upon meeting times, parental consent for changes, short-term goals, etc.) makes it *more* difficult to ensure my child is receiving the support he needs to succeed. This bill would *decrease* the communication between parent and support team. Why would we do that?

Please oppose this bill for three reasons: 1.) The current requirements are an improvement on federal requirements and should remain, 2.) Reducing support and protections of vulnerable communities is not what we should represent in our state, 3.) Strong and confident bonds between parents, their children, and their support teams is essential to raising young adults who are better prepared for adult life; it's something we need to do for those who cannot advocate for themselves.

Thank you for your consideration.

Sincerely Yours,

Brian Spinney  
Derry, NH  
603.818.9336



February 25, 2022

Honorable Chairman Rick Ladd  
House Education Committee  
Legislative Office Building  
North State Street, Concord, NH 03301

RE: NAMI NH Opposition to Amendment 2022-0119h to HB 1141

Honorable Chairman Ladd and Committee Members,

Thank you for the opportunity to testify today. My name is Holly Stevens, and I am the Director of Public Policy at NAMI New Hampshire, the National Alliance on Mental Illness. NAMI NH is a non-profit, non-partisan, grassroots organization whose mission is to improve the lives of all people impacted by mental illness and suicide through support, education and advocacy. On behalf of NAMI NH, I am here today to speak in opposition to Amendment 2022-0119h to HB 1141, relative to the special education process for individualized education programs.

The proposed amendment to HB 1141 appears to remove our state's specific tailoring that is in rule and law that policy makers have found to be important over the past few years. It would also eliminate much of the parental control and timely access to their child's records. New Hampshire prides itself on its ability to examine what is best for its children and the close involvement of parents in their children's education. Amendment 2022-0119h would undo all of these protections currently in New Hampshire law.

For these reasons, NAMI NH requests the committee vote inexpedient to legislate on Amendment 2022-0119h to HB 1141. Thank you for the opportunity to provide testimony on this legislation. I would be happy to answer any questions which you have.

Sincerely,

A handwritten signature in black ink that reads "Holly A. Stevens". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Holly A. Stevens, Esq.

Hello Members of House Educational Committee

My name is Penny Duffy i live in Concord NH.

I am providing testimony against the amendment to HB 1141.

I believe this amendment is attack on the quality education NH students with disabilities receive.

My daughter Abby just became an adult last week. She is blind and has benefited from the New Hampshire rules for Special Education that exceed the law called IDEA. These are common sense things that benefit student outcomes and family involvement. My daughter is blind. She is graduating in June with a regular education diploma. She is a member of the national honor society and will be attending college next year. She is ready. She ready because I was able to be a full member of her IEP team due to the NH rules for students with disabilities.

This is part of the true NH advantage. Please don't take away from other the benefits she had for other students.

Students with disabilities can be successful with the right supports. NH does a great job. Our rules make sense. These changes will have huge issue.

My daughter was featured on Chronicle last night. The second segment.

<https://www.wmur.com/article/nh-chronicle-a-positive-vision/39123763>

I would have provided more details but I only recently became aware of the amendment. I was not able to attend in person due the snow storm. I can see on the surface why this sounds like a good idea but it is not.

Thank you Penny Duffy



Lori Breen  
Nashua, NH 03064

I am opposed to the non-germane amendment proposed in HB 1141. This amendment would have serious impact on NH's special education rights and protections.

I am the mother of a twenty-three year old who received special education services through the Nashua Public School system. Upon graduation and transitioning from high school, my son got a job and has been working for the past two years in Nashua. He loves his job and being an active member of the Nashua, NH community. All of this was made possible because he benefitted from New Hampshire's current special education program. He utilized many of the rights this amendment would strip away. Additionally, I feel passing the amendment would effectively eliminate many of our State's requirements to clarify or exceed the Federal minimums. My son's adult life would have not been as successful as it is if the current regulations were not in place. This doesn't just affect my son and our family, it affects the community at large and that would have a negative financial and social burden for the state as well.

### **What does the proposed amendment to HB 1141 do?**

In some areas it just incorporates language from the Federal law or from our state special education regulations.

But, in other areas, it references the (minimum) requirements in IDEA or specifically removes current NH requirements. A few areas where the amendment takes away current special education rights and protections are:

Section 2 says, "the parents of a child with a disability shall be full participants on the IEP team pursuant to 34 C.F.R. sections 300.321 and 300.322 of the Individuals with Disabilities Education Act ...". If NH adopts these minimum requirements in IDEA, we would no longer:

- clarify that a paraprofessional, or a representative of DCYF or a Guardian ad Litem may be included on the IEP team under the category of "other individuals who have knowledge or special expertise regarding the child",
- include an individual knowledgeable about the vocational education and/or vocational or career or technical education programs being considered for a child with a disability;
- include a timeline (generally at least 72 hours) for notifying the other party of the expected absence of an IEP team member (IDEA just requires the other party to be notified before the meeting); or
- have a clear 10-day timeline for notifying parents before an IEP team meeting (IDEA requires that parents be given "enough" notice to have the opportunity to attend)

Section 3 deletes the requirement to include short-term objectives (STOs) or benchmarks in each child's IEP unless the parent agrees that they are not necessary for one or more of the child's annual goals. IDEA only requires STOs or benchmarks for children who take alternate assessments aligned to alternate achievement standards (Note: Because preschool children and children in certain grades do not take statewide assessments, their IEPs would not include STOs).

Where IDEA requires that school districts **must** schedule IEP team meetings at a mutually agreed on time and place, the proposed amendment says that IEP team meetings **should** be scheduled at a mutually agreed upon time and place.

The proposed amendment requires each child's IEP to incorporate the provisions of 34 C.F.R. 300.320 (IDEA's minimum required components for an IEP) – but – this does not reference NH's additional components, including:

- The length of the school year and the school day required to implement the IEP;
- The types or names of service providers who would be responsible for implementing the IEP;
- The signature of the parent or adult student and representative of the LEA approving the IEP (removing this component raises the question of whether NH would continue to require parental consent for every IEP, since IDEA only requires parental consent for the initial provision of special education);
- Short-term objectives or benchmarks for all children unless the parent determines them unnecessary for all or some of the child's annual goals;

- How the parent will be provided with their child's progress towards the annual goals, and a statement of whether the child's progress is sufficient to achieve the annual goals by the end of the school year; and
- A statement of transition service needs beginning by age 14 (IDEA requires this beginning by the first IEP to be in effect when the child turns age 16).

Section 4 requires the state board of education to adopt rules "consistent with federal law and this chapter". Previously, was "consistent with the provision of a free appropriate public education". This proposed change raises a concern that the amendment intends to reduce NH's special education rights and protections to the minimum required by IDEA.

Section 5 adds a requirement that "discussions that occur during the mediation process shall be confidential and shall not be used as evidence in any subsequent due process hearing or civil proceeding. It also adds a requirement that "parties to the mediation process shall not be required to sign a confidentiality pledge or nondisclosure agreement prior to, or as a precondition to the commencement of the mediation process." However, the amendment does not change RSA 186-C:23, III and IV, which say, "III. Alternative dispute resolution proceedings shall be confidential and shall not impair the right of the participants to demand a due process hearing. Information, evidence, or the admission of any party shall not be disclosed or used in any subsequent proceeding. Statements made and documents prepared by a party, attorney, or other participant in aid of such proceeding shall be privileged and shall not be disclosed. In addition, the parties shall not introduce into evidence in any subsequent proceeding the fact that there was an alternative dispute resolution proceeding or any other matter concerning the conduct of such proceedings. The authority of the department of education in alternative dispute resolution proceedings initiated under this section shall be limited to the provisions of paragraphs I and II." and "IV. There shall be no record made of any alternative dispute resolution proceedings."

Section 6 adds a section, RSA 186-C:24-a Parental Data Access Rights, most of which is already in the NH Standards for the Education of Children with Disabilities and in IDEA. This section sets requirements including that school districts must comply with a parent's request to inspect and review any educational records relating to their child "in no case more than 45 days after the request is made". While this is consistent with the timeline in 34 C.F.R. 300.613, it conflicts with the provision in RSA 189:66 that sets a 14-day timeline for school districts to provide a parent with access to their child's school records. The 14-day timeline is also included in NH's Model Procedural Safeguards Handbook. Extending this timeline to 45 days would more than triple the amount of time a parent could be required to wait before being provided with access to their child's school records.

Section 7 has to do with Funding for Chartered Public Schools. It amends RSA 194-B:11, III(a), replacing text saying parents and school districts "shall retain all current options available to the parent and school district", with, "The resident district shall fund a free and appropriate public education for children with disabilities in the least restrictive environment in which the student's individualized education program (IEP) can be implemented."

Section 8 amends RSA 194-B:11, III by adding a new "(d) A resident district shall comply with all of the provisions of 34 C.F.R. section 300.324 before changing the nature, extent, or location of services provided in an IEP." Note that 34 C.F.R. 300.324 does not establish or refer to requirements before changing the nature or extent or location of services provided in an IEP. If the intent of Section 7 is to require parental consent before the LEA can change the nature or extent or location of services in the IEP, it may need to include procedures for LEAs to use if a parent fails to respond or refuses to provide consent to a proposal, so that a parent's failure to respond does not impede their child's access to the special education and related services the child needs to receive a free appropriate public education. These requirements are included in the NH Standards for the Education of Children with Disabilities, Ed 1120.04(a)(5), Ed 1120.04(b) and Ed 1120.06.

Section 9 repeals, without explanation, section RSA 186-C:16-c, that establishes rules for when the state board of education proposes any special education rule which exceeds the minimum requirements of state or federal law. This raises the concern that it is being proposed for removal because the legislature does not intend to allow NH to continue to exceed (or clarify) the minimum requirements of state or federal law.

**Archived:** Wednesday, March 2, 2022 11:58:32 AM  
**From:** [Karen Rosenberg](#)  
**Sent:** Friday, February 25, 2022 10:29:34 AM  
**To:** ~[House Education Committee](#)  
**Subject:** HB 1141, Proposed Amendment No 2022-0119h  
**Importance:** Normal  
**Attachments:**

[DRC-NH Testimony in opposition to HB1141 Amendment 2-25-2022.pdf](#) 

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Dear Members of the Committee,

Attached please find the Disability Rights Center – NH’s testimony regarding the proposed amendment to HB 1141 which is scheduled for hearing this morning at 11:00 a.m.

Please do not hesitate to contact me if you would like to discuss our concerns.

Thank you for your consideration.

Best regards,

Karen

Karen L. Rosenberg  
Policy Director  
**Disability Rights Center - NH**  
64 N. Main Street, Suite 2, 3rd Floor  
Concord, NH 03301-4913  
office: (603) 228-0432 x124 or 1-800-834-1721 (v/tty)  
mobile: (603)333-0327  
fax: (603) 225-2077  
[KarenR@drcnh.org](mailto:KarenR@drcnh.org)  
[www.drcnh.org](http://www.drcnh.org)

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**Archived:** Wednesday, March 2, 2022 11:58:32 AM

**From:** [Maureen Shields](#)

**Sent:** Friday, February 25, 2022 10:57:59 AM

**To:** [~House Education Committee](#)

**Subject:** HB1141 opposition

**Importance:** Normal

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Maureen Shields  
68 Howe Lane  
Hollis, NH 03049

February 25, 2022

Dear Honorable House Education Committee Members,

I am writing to you in opposition to the HB1141. Originally this bill was relative to special education services for children in chartered public schools but a proposed non-germane amendment (2022-0119h) has shifted the purpose of the bill. The amendment changes the bill's title to "An act relative special education programs". The bill now effects the areas in which NH exceeds the Federal minimums of IDEA.

As a parent of two children who have learning disabilities and benefited from special education services I am concerned about the purposed changes in HB 1141. I also work as an Educational Surrogate parent and represent our most vulnerable children in our state.

I would like to highlight one area in particular that this bill targets, it is the removal of Short Term Objectives and Benchmarks in the IEP. Short Term Objective are the smaller benchmarks that are in the IEP Goal to help the IEP team to monitor if the specialized instruction or related service the student is receiving are effective and are providing the student with progress to meet their Annual IEP Goal. The STOs are critical to help determine if our kids are appropriately progressing and allows the IEP to monitor if the child is progressing appropriately. The STOs give the IEP team time to change course of instruction within a year if they find the student is not reaching these benchmarks. If you do not have STOs the students progress is monitored annually and if the student does not reach their annual goal the student will have lost a year of adequate progress and the student continues to fall behind.

I have experienced many IEP teams and I am in awe of the dedication of our educators to try different learning techniques and services to help children with special needs make progress. The STOs have been a critical tool to determine what is working and what is not. Often when a child has a learning difference it may take several different learning programs before we find the right one and STOs help us determine the right program and path to success.

I have always been very proud of the fact that NH went above and beyond the federal IDEA law to provide parents with the optimum opportunity to participate in the IEP process by providing clarification that a paraprofessional or a representative of DCYF or Guardian ad Litem may be included in the IEP team, including vocational rehabilitation or CTE to be considered for child with a disability. These are just a few of the areas that will go away if we consider this bill and roll back our NH requirements to the federal minimum.

NH is better than this we have worked hard to provide our children with disabilities and all of our kids the best opportunity to succeed in school and become strong citizens please consider opposing this HB1141.

Thank you for your service.

Sincerely,

Maureen Shields  
Educational Surrogate Parent

# DISABILITY RIGHTS CENTER - NH

64 North Main Street, Suite 2, Concord, NH 03301-4913 • mail@drcnh.org • drcnh.org  
(603) 228-0432 • (800) 834-1721 voice or TTY • FAX: (603) 225-2077

February 25, 2022

## **Via Electronic Mail Only**

Education Committee  
NH House of Representatives  
Legislative Office Building, Room 207  
33 North State Street  
Concord, NH 03301

**RE: House Bill 1141, Proposed Amendment No. 2022-0119h, relative to the special education process for individualized education programs**

Dear Representative Ladd and Members of the Committee:

I am writing on behalf of the Disability Rights Center – NH (DRC-NH) to voice our strong opposition to the proposed amendment to HB 1141. This proposed amendment rolls back important rights and protections contained in New Hampshire’s current laws and rules regarding the provision of special education and related services for students with disabilities. Rather than, as Section 2 of the amendment provides, ensure that parents of children with disabilities are “full participants” on their children’s IEP teams, the proposed amendment removes many of the protections in New Hampshire’s law and rules that support parent involvement and meaningful participation in the development and implementation of their children’s IEPs.

The proposed amendment to HB 1141 appears to be an effort to eliminate many of the requirements in New Hampshire law and rules that clarify or exceed the federal minimum requirements contained in the Individuals with Disabilities Education Act (IDEA) and its enabling regulations. In addition, the proposed amendment diminishes a parent’s ability to secure timely access to their child’s education records. Federal special education law sets the minimum requirements for states that accept federal IDEA funds. States can, and should, tailor their state’s laws to meet the needs of their students with disabilities. New Hampshire has done this through legislation (R.S.A. 186-C) and development of the New Hampshire Standards for the Education of Children with Disabilities (Ed 1100, *et seq.*), also referenced herein as “rules.”

New Hampshire’s special education law and rules that clarify or exceed the federal law support parent involvement, provide clarity, accountability, and transparency, and include requirements to better prepare students with disabilities for life after high school. Rather than rolling New Hampshire’s special education law and rules back to the federal minimum requirements, we should be considering whether our special education law and rules adequately supports the delivery of a free appropriate public education (FAPE) for children with disabilities.

*Protection and Advocacy System for New Hampshire*

The Proposed Amendment Undermines the Ability of Parents to Effectively Participate in IEP Team meetings.

The following are some examples of how the proposed amendment, including elimination of New Hampshire's laws and rules that clarify or exceed the minimum federal special education requirements, would impede parent participation in IEP Team meetings:

(a) Parents would no longer be entitled to receive reports of their children's evaluations 5-days before the meeting in which they will be discussed (Ed 1107.04(d)). Denying parents the opportunity to review evaluation reports before the IEP team meeting diminishes their ability to understand those reports, ask questions and be prepared to advocate for schools to appropriately address the evaluator's findings and recommendations.

(b) Parents would not be entitled to secure timely access to their children's education records. Current law requires school districts to permit parents to inspect and review their children's education records no more than 14 days after a parent's request. (R.S.A. 189:66, IV(a)). The amendment would allow schools to delay a parent's access to their child's education records for 45 days. Parents require much quicker access to educational records to assess their children's needs, determine whether schools have implemented their IEPs, prepare for IEP Team meetings and, when disputes arise, to draft complaints, and prepare for mediation or due process.

The Proposed Amendment Undermines the Ability of Parents to Monitor their Children's Progress towards their IEP goals.

(a) The proposed amendment removes the requirement that IEPs include short-term objectives or benchmarks unless parents agree they are not necessary for one or more goal. Short-term objectives and benchmarks provide guideposts for measuring a child's progress and assessing whether a child is on track to meet their annual goals.

(b) The proposed amendment would remove the requirement that school districts maintain written evidence documenting implementation of the IEP including all special education, related services, supplementary aids and services provided. (Ed 1109.04(b)). This documentation is critically important when questions arise concerning whether a school district has provided all the services and supports required in the student's IEP.

(c) The proposed amendment would eliminate the requirement that IEPs include statements regarding how the child's progress toward meeting their annual goals will be provided to the parents, how the child's progress towards meeting the annual goals will be measured and, most importantly, whether the child's progress is sufficient to achieve the annual goals by the end of the school year. (Ed 1109.01(a)(8),(9)). It is imperative that IEP teams determine how a student's progress will be measured. Otherwise, the IEP team will not be able to accurately determine whether a student has made adequate progress towards their annual IEP goals. Because parents are arguably the most important member of their child's IEP team, schools should ensure they receive timely progress updates to enable them to monitor their child's progress.

The Proposed Amendment would remove currently required components of a student's IEP that are intended to support the student's receipt of a free appropriate public education, including facilitating the student's successful transition from high school to post-secondary life.

(a) The proposed amendment would eliminate the requirement that a student's IEP include the length of school year and school day required to implement the IEP. (Ed 1109.01(a)(2)). Some students require longer school days or years than others to receive a FAPE. This requirement ensures that IEP teams consider whether a student may require additional instruction time to receive a FAPE.

(b) The proposed amendment would eliminate the requirement that a student's IEP include the types of service providers who would be responsible for implementing the IEP or the names of those providers. (Ed 1109.01(a)(3)). This requirement is essential to enable a parent to make sure that the individuals who implement their child's IEP are qualified to do so.

(c) The proposed amendment would eliminate the requirement that a student's IEP include a statement of transition services, beginning at age 14 or younger, if determined appropriate by the IEP team, including a statement of the transition service needs of the student that focuses on the student's courses of study such as participation in advanced-placement courses, vocational education or career and technical education. (Ed 1109.01(a)(10)). Federal special education laws do not require transition planning until a student turns 16 – typically when a student is in their junior year of high school. By this time, students may have missed opportunities to take the classes they need to be admitted to four-year college programs or to take full advantage of career and technical education programs that would better prepare them to secure competitive employment.

The Proposed Amendment may limit opportunities for Children with Disabilities to attend Chartered Public Schools.

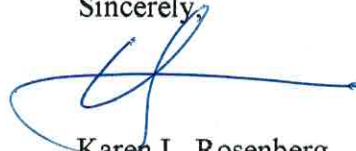
The language in Section 7 of the proposed amendment is confusing. The amendment retains the current requirement that the resident school district is responsible for providing the funding necessary to ensure that students who attend public chartered schools receive the services and supports required in their IEPs. However, the bold-italicized language in paragraph III(a) might be used by school districts to deny such funding should the IEP team determine that the student's IEP cannot be implemented in a particular chartered public school. The proposed amendment does not contain any standards to guide the determination about whether the chartered public school would be able to implement the student's IEP. The concern is that the proposed amendment would incentivize a school district to find a chartered public school is not able to implement a student's IEP to avoid providing the needed funds to implement a student's IEP in a chartered public school.

Children with disabilities should have the same opportunity to attend chartered public schools as students without disabilities. Parents should not be forced to decide between having their children attend their neighborhood public school with the services and supports in their IEPs or having their children attend chartered public schools without those services and supports.

In summary, DRC-NH objects to the proposed amendment to HB 1141 because it would severely undermine the ability of parents to participate in their children's IEP Team meetings. Further, the proposed amendment would diminish the ability of parents to monitor their children's progress on their IEP goals, reduce the quality of their IEPs and potentially impair the opportunities children with disabilities may have to receive a FAPE in a public chartered school. DRC-NH, therefore, requests you do not adopt the proposed amendment.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, consisting of a large, stylized 'K' followed by 'L. Rosenberg'. The signature is written over the word 'Sincerely,' and extends to the right.

Karen L. Rosenberg  
Policy Director



**Archived:** Friday, February 25, 2022 9:12:48 AM  
**From:** [Marilyn Shriver](#)  
**Sent:** Thursday, February 24, 2022 10:50:42 AM  
**To:** [~House Education Committee](#)  
**Subject:** Non-germane amendment proposed to HB 1141  
**Importance:** Normal

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Hello, I am writing to express my opposition to the non-germane amendment proposed to HB 1141. Shame on whoever wrote it. It's a terrible amendment that will cause real harm to students who have IEPs.

Marilyn Shriver  
11 Good Circle  
Walpole, NH 03608  
603-209-9255

**Archived:** Friday, February 25, 2022 9:12:48 AM  
**From:** [Sabrina Ricks](#)  
**Sent:** Thursday, February 24, 2022 10:58:27 AM  
**To:** [~House Education Committee](#)  
**Subject:** HB 1141 Response  
**Importance:** Normal

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Honorable Members of the House Education Committee,

My name is Sabrina Ricks.

I am writing today to inform you of the detrimental language currently being proposed in HB 1141.

It is absolutely critical that you, as representatives of the most vulnerable of our population, being special needs children, go forward to this vote with a full understanding of the devastating results it could produce. Sometimes, it may seem that just a few words here or there don't make much of a difference, but you as lawmakers and I as a mother of three special needs children can all relate to just how important every single word or phrase in a document can be.

I moved to New Hampshire 11 years ago, from Arizona, seeking a better education for my autistic son than was available anywhere in Arizona. I am an active and vocal citizen. I am well-educated when it comes to Special Education. I own a home and pay property taxes which fund my son's education. My voice is one of many, I speak for parents, educators, social service organizations and most importantly... for special needs children across this state.

The level of parental and interagency collaboration in a special needs child's education is crucial to the child's success. It truly takes a village to raise ANY child. Without the New Hampshire Guidelines and Procedural Safeguards, parents and area agencies and Vocational Rehabilitation agencies and even some educators would be left out of the process of creating an IEP (Individual Education Plan) that sufficiently addresses the needs of each child.

It is very important to note that NONE of these things affect the budgetary concerns of school districts and their special education budget line items. They affect only the levels of communication required by NH law for all parties to properly and fairly advocate and participate in the education of each child.

Access to FAPE, Free and Appropriate Public Education, as required by IDEA, requires a level of open communication that affords all parties the opportunity to participate in the planning, creation and implementation of a child's IEP. The language in HB 1141 dangerously limits communication by attempting to revert to Federal minimums which have been altered in NH by adding critical boosts to how we access the IEP process. You may not know, but NH's Special Education Procedures and Guidelines have been used as a model for many states that wished to improve their IDEA implementation process. There is absolutely no reason to change what we have created as a fair and equitable system for all involved.

Below I have outlined and detailed specifically the language in question. Please do not allow HB1141 to pass with this harmful language intact.

### **What Happened?**

The title of HB 1141 originally was “relative to special education services for children in chartered public schools” – but – a proposed non-germaine amendment (amendment #2022-0119h) completely shifts the purpose of the bill. The amendment changes the bill’s title to, “An act relative to the special education process for individualized education programs”. In several places it would have NH align with the minimum requirements in the federal special education law, the Individuals with Disabilities Education Act (IDEA). This would effectively eliminate many of NH’s requirements that clarify or exceed the Federal minimums. It is important to note that IDEA is intended to be a floor, and not a ceiling; states must comply with the minimum requirements in IDEA, but they may choose to do more. NH has historically written our state’s special education law (RSA 186-C) and rules so that they reflect NH’s unique character, history and values, including procedures that:

- Support parental involvement (which research shows is a primary factor in children’s school success); and
- Provide clarity, accountability and transparency, and utilize sound business practices.
- NH’s special education law also includes requirements to prepare students for life after high school.

### **What does the proposed amendment to HB 1141 do?**

In some areas it just incorporates language from the Federal law or from our state special education regulations.

But, in other areas, it references the (minimum) requirements in IDEA or specifically removes current NH requirements. A few areas where the amendment takes away current special education rights and protections are:

Section 2 says, “the parents of a child with a disability shall be full participants on the IEP team pursuant to 34 C.F.R. sections 300.321 and 300.322 of the Individuals with Disabilities Education Act ...”. If NH adopts these minimum requirements in IDEA, we would no longer:

- clarify that a paraprofessional, or a representative of DCYF or a Guardian ad Litem may be included on the IEP team under the category of “other individuals who have knowledge or special expertise regarding the child”,
- include an individual knowledgeable about the vocational education and/or vocational or career or technical education programs being considered for a child with a disability;
- include a timeline (generally at least 72 hours) for notifying the other party of the expected absence of an IEP team member (IDEA just requires the other party to be notified before the meeting); or
- have a clear 10-day timeline for notifying parents before an IEP team meeting (IDEA requires that parents be given “enough” notice to have the opportunity to attend)

Section 3 deletes the requirement to include short-term objectives (STOs) or benchmarks in each child’s IEP unless the parent agrees that they are not necessary for one or more of the child’s annual goals. IDEA only requires STOs or benchmarks for children who take alternate assessments aligned to alternate achievement standards (Note: Because preschool children and children in certain grades do not take statewide assessments, their IEPs would not include STOs).

Where IDEA requires that school districts **must** schedule IEP team meetings at a mutually agreed on time and place, the proposed amendment says that IEP team meetings **should** be scheduled at a mutually agreed upon time and place.

The proposed amendment requires each child’s IEP to incorporate the provisions of 34 C.F.R. 300.320 (IDEA’s minimum required components for an IEP) – but – this does not reference NH’s additional components, including:

- The length of the school year and the school day required to implement the IEP;
- The types or names of service providers who would responsible for implementing the IEP;
- The signature of the parent or adult student and representative of the LEA approving the IEP (removing this component raises the question of whether NH would

continue to require parental consent for every IEP, since IDEA only requires parental consent for the initial provision of special education);

- Short-term objectives or benchmarks for all children unless the parent determines them unnecessary for all or some of the child's annual goals;
- How the parent will be provided with their child's progress towards the annual goals, and a statement of whether the child's progress is sufficient to achieve the annual goals by the end of the school year; and
- A statement of transition service needs beginning by age 14 (IDEA requires this beginning by the first IEP to be in effect when the child turns age 16).

Section 4 requires the state board of education to adopt rules "consistent with federal law and this chapter". Previously, was "consistent with the provision of a free appropriate public education". This proposed change raises a concern that the amendment intends to reduce NH's special education rights and protections to the minimum required by IDEA.

Section 5 adds a requirement that "discussions that occur during the mediation process shall be confidential and shall not be used as evidence in any subsequent due process hearing or civil proceeding. It also adds a requirement that "parties to the mediation process shall not be required to sign a confidentiality pledge or nondisclosure agreement prior to, or as a precondition to the commencement of the mediation process." However, the amendment does not change RSA 186-C:23, III and IV, which say, "III. Alternative dispute resolution proceedings shall be confidential and shall not impair the right of the participants to demand a due process hearing. Information, evidence, or the admission of any party shall not be disclosed or used in any subsequent proceeding. Statements made and documents prepared by a party, attorney, or other participant in aid of such proceeding shall be privileged and shall not be disclosed. In addition, the parties shall not introduce into evidence in any subsequent proceeding the fact that there was an alternative dispute resolution proceeding or any other matter concerning the conduct of such proceedings. The authority of the department of education in alternative dispute resolution proceedings initiated under this section shall be limited to the provisions of paragraphs I and II." and "IV. There shall be no record made of any alternative dispute resolution proceedings."

Section 6 adds a section, RSA 186-C:24-a Parental Data Access Rights, most of which is already in the NH Standards for the Education of Children with Disabilities and in IDEA. This section sets requirements including that school districts must comply with a parent's request to inspect and review any educational records relating to their child "in no case more than 45 days after the request is made". While this is consistent with the timeline in 34 C.F.R. 300.613, it conflicts with the provision in RSA 189:66 that sets a 14-day timeline for school districts to provide a parent with access to their child's school records. The 14-day timeline is also included in NH's Model Procedural Safeguards Handbook. Extending this timeline to 45 days would more than triple the amount of time a parent could be required to wait before being provided with access to their child's school records.

Section 7 has to do with Funding for Chartered Public Schools. It amends RSA 194-B:11, III(a), replacing text saying parents and school districts "shall retain all current options available to the parent and school district", with, "The resident district shall fund a free and appropriate public education for children with disabilities in the least restrictive environment in which the student's individualized education program (IEP) can be implemented."

Section 8 amends RSA 194-B:11, III by adding a new "(d) A resident district shall comply with all of the provisions of 34 C.F.R. section 300.324 before changing the nature, extent, or location of services provided in an IEP." Note that 34 C.F.R. 300.324 does not establish or refer to requirements before changing the nature or extent or location of services provided in an IEP. If the intent of Section 7 is to require parental consent before the LEA can change the nature or extent or location of services in the IEP, it may need to include procedures for LEAs to use if a parent fails to respond or refuses to provide consent to a proposal, so that a parent's failure to

respond does not impede their child's access to the special education and related services the child needs to receive a free appropriate public education. These requirements are included in the NH Standards for the Education of Children with Disabilities, Ed 1120.04(a)(5), Ed 1120.04(b) and Ed 1120.06.

Section 9 repeals, without explanation, section RSA 186-C:16-c, that establishes rules for when the state board of education proposes any special education rule which exceeds the minimum requirements of state or federal law. This raises the concern that it is being proposed for removal because the legislature does not intend to allow NH to continue to exceed (or clarify) the minimum requirements of state or federal law.

Please feel free to contact me if you wish to discuss any of this information. I am unable to attend the public hearing on Friday; please bring my voice with you to argue against these changes.

Sabrina Ricks, M.Ed. - Northern Arizona University,  
Cert. Autism Spectrum Disorders - Antioch University New England

35 Hood Road  
Brookline, NH 03033  
603-921-2411

**Archived:** Friday, February 25, 2022 9:12:48 AM  
**From:** [Maureen Callaghan](#)  
**Sent:** Thursday, February 24, 2022 12:18:49 PM  
**To:** [~House Education Committee](#)  
**Subject:** OH MY!!!  
**Importance:** Normal

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Good Afternoon!

I'm so curious, and confused regarding the purpose of Amendment 2022-0119h to HB 1141.

This Amendment undermines what New Hampshire has worked so hard to accomplish. I am a parent as well as an educator in the public school system. I am appalled at these proposed changes. This amendment would do a great disservice to our students, to our staff in the public schools, and to our parents.

Please DO NOT support this amendment.

Thank you in advance for doing what is in the best interest of our residents of NH.

Sincerely,

Maureen Callaghan

**Archived:** Friday, February 25, 2022 9:12:48 AM  
**From:** [Jennifer Bertrand](#)  
**Sent:** Thursday, February 24, 2022 1:14:43 PM  
**To:** [~House Education Committee](#)  
**Subject:** HB 1141 Amendment 2022-0119h - Please OPPOSE!  
**Importance:** Normal

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February 24, 2022

RE: PLEASE Oppose HB 1141 Amendment 2022-0119h

Dear Chairman Ladd and Members of the House Education Committee,

My family resides in Mont Vernon, NH and I am the mother of four children. I am writing to urge you to vote down HB 1141 Amendment 2022-0119h as multiple provisions in the amendment would reduce important NH special education rights and protections that help ensure accountability and transparency as well as ensure parents and schools work together to help students with disabilities succeed at school and receive an adequate public education.

My now young adult daughter Chloe Bertrand benefitted from special education due to her significant developmental and intellectual disability. The NH protections currently in place made it possible for Chloe to receive a free and appropriate public education and ensured my husband and I were informed members of her Individualized Education Plan (IEP) team so we could support her educational success and collaborate with her teachers and the school district.

Chloe graduated Souhegan High School in Amherst, NH with a certificate of completion and has now transitioned seamlessly into adulthood in no small part due to NH's special education rights and protections that go above the Federal minimum (IDEA) which is intended to be a floor, and not a ceiling. The special education services Chloe received and the skills she learned made it possible for her to land a paid job before graduation and she has now launched a successful small business - a data destruction enterprise - in adulthood, Chloe's Shred Shed. With the direction of a knowledgeable vocational education consultant who provided critical guidance and support to Chloe's IEP team during her high school years Chloe graduated job and career ready so she can be as self-sufficient and live as independently as possible.

This amendment takes away multiple current NH special education rights and protections that would cause harm to students and interfere with a parent's ability to be informed about their child's progress. In section 2, the amendment would adopt minimum requirements in IDEA, so NH would no longer:

- clarify that a paraprofessional or a representative of DCYF or a Guardian ad Litem may be included on the IEP team under the category of "other individuals who have knowledge or special expertise regarding the child",
- include an individual knowledgeable about the vocational education and/or vocational or career or technical education programs being considered for a child with a disability;
- include a timeline (generally at least 72 hours) for notifying the other party of the expected absence of an IEP team member (IDEA just requires the other party to be notified before the meeting); or

- have a clear 10-day timeline for notifying parents before an IEP team meeting (IDEA requires that parents be given “enough” notice to have the opportunity to attend)

Section 3 would also no longer require the use of Short-term Objectives (STOs) in a student’s individual education plan (IEP) who do not take alternative assessments. These critical benchmarks are necessary to inform parents and teachers about a student’s progress and allow the team to intervene in a given year when a student receiving special education is not making adequate progress. STOs help ensure students stay on the right track to achieve their annual goals so they can succeed.

This amendment includes numerous other disastrous changes in sections 3 - 8 that would reduce other NH special education rights and protections. These changes will hurt students with disabilities. The amendment makes it harder for parents to be informed (i.e. there would be NO requirements about how changes are made relative to the nature or extent or location of services provided in an IEP), provide input, etc. as well as a parent’s ability to support the overall educational success of their child with a disability. This amendment is wrong for NH.

Please VOTE NO to HB 1141 Amendment 2022-0119h.

Thank you in advance for your consideration,


Jennifer Bertrand

[Jennifer.j.bertrand@gmail.com](mailto:Jennifer.j.bertrand@gmail.com)

603-673-4215

603-930-1235



**Archived:** Friday, February 25, 2022 9:12:48 AM  
**From:** [rbevill@wwol.com](mailto:rbevill@wwol.com)  
**Sent:** Thursday, February 24, 2022 2:17:43 PM  
**To:** ~House Education Committee  
**Cc:** Bill Boyd; Glenn Cordelli; James Spillane; Rick Ladd; Michael Moffett; Mark McLean; Kevin Verville; John Reagan; David Watters; 'bob bevill.com'; 'Bevill, Rachael (at school)'; Jeanine Notter; Bob Healey; daniel.ahearn@verizon.net; John Reagan; Nancy Murphy  
**Subject:** In Support of Amd 2022-0119h of HB1141  
**Importance:** Normal  
**Attachments:**  
[Letter to House Education Committee re 2022-0119h HB1141 2022-02-25.pdf](#) 

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Dear Chair Ladd and NH House Education Committee Members,


Enclosed please find my prepared remarks regarding the Amendment 2022-0119h of HB1141, in the event I am unable to deliver the remarks in person due to the impending storm.

Best regards,

Bob Bevill

Robert T. Bevill, JD, LL.M.  
12 Blair Road  
Merrimack, NH 03054-2510  
O: 603-722-0990 F: 603-722-0997  
Email: [bob@bevill.com](mailto:bob@bevill.com)

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**Archived:** Friday, February 25, 2022 9:12:47 AM  
**From:** [jbergeron@nhasea.org](mailto:jbergeron@nhasea.org)  
**Sent:** Thursday, February 24, 2022 2:42:31 PM  
**To:** ~House Education Committee  
**Cc:** 'Gerald M. Zelin'; 'Julia N. Pothen'; 'Terra Geer'; 'Rachel Borge'; 'Jennifer Dolloff'  
**Subject:** NH Association of Special Education Administrators, Testimony/critique of HB 1141  
**Importance:** High  
**Attachments:**  
[2022-02-24 critique of HB 1141 FINAL DRAFT PDF FORMAT.PDF](#) 

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Dear Chairperson Ladd and Members of House Education Committee,

In preparation for the public hearing on HB 1141 relative to the special education process for individualized education programs, attached you will find the testimony and critique of the bill written by the legal team at Drummond Woodsum on behalf of the NH Association of Special Education Administrators (NHASEA). Please know that the NHASEA is in opposition of HB 1141 as amended and hope that you will take this written testimony into consideration as you make your decisions. Depending upon the weather, pending snow storm and the driving conditions, I will be at the public hearing to testify before the House Education Committee. Please do not hesitate to reach out to myself or attorney Gerald Zelin if you have questions, or need further clarification.

Sincerely,  
Jane  
Jane Bergeron-Beaulieu  
Executive Director  
NHASEA  
[jbergeron@nhasea.org](mailto:jbergeron@nhasea.org)  
Cell: 603 494-1149

**Archived:** Friday, February 25, 2022 9:12:47 AM  
**From:** [Elizabeth Greeno](#)  
**Sent:** Thursday, February 24, 2022 4:09:09 PM  
**To:** [~House Education Committee](#)  
**Subject:** Please VOTE NO to HB 1141 Amendment 2022-0119h.  
**Importance:** Normal

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Dear Chairman Ladd and Members of the House Education Committee,

My seven year old son Sam is a person living with Williams Syndrome and experiences many disabilities associated with this chromosomal abnormality. Problems include mid -aortic stenosis, stenosis of the major aorta, kidney stenosis, food aversion, the need for a feeding tube and hearing and vision difficulties. The chromosomal abnormality is entirely a doing of nature and nothing I did in my pregnancy.

That said, having access to education for my son is the only way Sam will be able to have a job as an adult.

Having a good Individual Education Program is essential for my son to be able to access school professionals such as a special education teacher, physical therapist, speech therapist, Teacher of the Deaf, Teacher of the Visually Impaired and help with reading and writing.

If the legislature passes this bill, I will not have an opportunity to adequately prepare for IEP meetings, to ensure that I am able to work with our team and to give my son the help that he needs.

Reducing these protections will make it harder for students with disabilities to get an adequate education and may lead to needing more government support as adults.

Please VOTE NO to HB 1141 Amendment 2022-0119h.

Best Regards,  
Elizabeth Greeno  
Manchester, NH

Sent from [Mail](#) for Windows

**Archived:** Friday, February 25, 2022 9:12:43 AM

**From:** [Debra Foster](#)

**Sent:** Thursday, February 24, 2022 7:54:31 PM

**To:** [~House Education Committee](#)

**Subject:** oppose HB 1141 DO NOT reduce the equal rights to an education for children with special needs

**Importance:** Normal

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Dear Committee members,

It is with sadness that I read about this bill being proposed by the Legislature. **My late son was born profoundly disabled** and my husband and I were so grateful that he was born in NH at that time. We found NH policies to be reasonable and compassionate and State policy makers in the 1980s listened to parents and communities with fairness. They recognized that it was time to step up to the plate, close the Laconia school for disabled children and adults, and allow special needs children with the opportunity to have an education in their local schools. Our State was also progressive in sending support to local schools and set rules that required strong communication with parents.


**Our experience with our son from age 3 until 21 was extraordinary.** It set him up for a high quality life as an adult for the short time he was an adult. He made a difference for others. We were considered partners with our local school IEP team and together my District and his various teams provided our son with an incredible educational experience. We were proud of NH for listening to constituents who had previously been warehoused at the Laconia School and deprived of a quality of life and education.

This bill erodes the rights of children with disabilities and will not allow school districts to provide fair and excellent programs and polices they have put in place. Obviously, whoever proposed this bill has no experience with children with special needs and their parents. **I am very disappointed that you as policy makers are even considering this bill.** My son and family were proof that school district teams and parents can work together, communicate well, and provide the appropriate education for a child who needs extra help. The IDEA established a baseline and NH rose above the baseline so that its special needs children were treated well and with respect. HB 1141 pulls everyone back to the basement and reduces communication requirements to parents. That does not represent the values of NH.

Please kill this bill **because** those who have lived in NH for many years since the IDEA was established have worked hard to treat children with special needs equally and provided with high-quality educational opportunities. 30 years of educational support in a community put NH on the map and made us all proud. **Please do not let this bill move forward and destroy the hard-earned rights of the disabled children in New Hampshire** to an equal education and reduce parent's rights as partners. **If this bill and its amendments pass**, there will be children who will not receive the appropriate education that they deserve because you Legislators said they don't deserve that opportunity.

Debra Foster, parent of a child with disabilities, former school board member, residence of NH since 1975.

11 Stark Highway South  
Dunbarton, NH

**Archived:** Friday, February 25, 2022 9:12:39 AM  
**From:** [Karen Blake](#)  
**Sent:** Friday, February 25, 2022 8:22:09 AM  
**To:** ~[House Education Committee](#)  
**Subject:** Opposition to HB1141 proposed non germane amendment  
**Importance:** Normal  
**Attachments:**  
[Final Testimony in opposition to non germane amendment HB1141.pdf](#) 

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Good Morning Chairman Ladd and Members of the NH House Education Committee;

Attached is my written testimony in opposition to the non germane amendment proposed for today. Given that we live in the White Mountains and in the middle of a snowstorm I am not able to attend in person as I had planned. Thank you for your considering my testimony.

Sincerely,

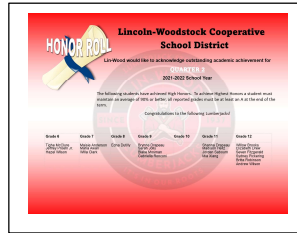
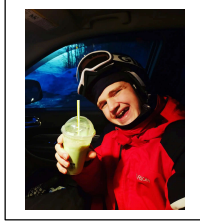
Karen M. Blake  
(603) 348-8830  
[Kblake4213@gmail.com](mailto:Kblake4213@gmail.com)  
[Kblake4213@yahoo.com](mailto:Kblake4213@yahoo.com)

Sent from [Mail](#) for Windows

February 25, 2022

Karen M. Blake  
6 Depot Street  
North Woodstock, NH 03262

Chairman Rick Ladd  
House Education Committee  
Legislative Office Building  
Concord, NH 03301



My name is Karen Blake and I live in North Woodstock, NH. I am writing to ask you to oppose the proposed non-germane amendment to HB1141 which, if passed, would eliminate my son's chances of graduating High School at all with a real diploma let alone on time as he is currently on track for.

Full disclosure I work for Community Supports Network, Inc. as the part-time Director of Public Policy and advocacy and member of NHS Family Support Advisory Council. My husband and I are also small business owners in the White Mountains. Today, I am submitting written testimony only on my own behalf.

I would like to tell you about my son Blake Mosman. He is a smart, creative, funny 14-year-old, who wants to be the next George Lucas. He also experiences Autism, ADHD and Auditory Processing Disorder and is currently attending Lincoln-Woodstock High School as a freshman. Blake earned honors Q1 and high honors Q2 of this school year. My son has challenges writing and requires modifications to show what he knows. He requires a team of people to be successful like someone to help him get to his classes and navigate the social interaction in class and understand social dynamics to be successful and more. Technology has been a saving grace for him to be able to talk to text to write his papers, take tests and more. But he needs his team.

If Blake Mosman can continue with his current supports and services under his IEP there is a very good chance he will graduate and go on to college. If he does not continue to receive the services and support and his parents ongoing input into his education I don't know where he will be. I know that he will not be going to college or have the possibility of gainful employment maybe needing only minimal supports. If he does not graduate high school, with a real diploma he earned, then I can tell you he will be dependent on the state and federal government for his support for life.

I would again ask you to consider my son and all of the other school aged children here in New Hampshire who receive education under IEP and supports more than the baseline protections in IDEA. In my opinion we have one of the finest education systems in the country especially for individuals who experience disability. Are they perfect? No, but if you take these protections away then you are not taking my son's choices for education away, you will be taking away his chance at a better life. Thank you for considering my testimony.

Sincerely,



Karen M. Blake  
(603) 348-8830

# Critique of 2022 New Hampshire HB 1141 as introduced as regarding Rep. Cordelli's proposed amendment

By Attorneys Gerald M. Zelin and Julia Pothen of Drummond Woodsum

February 24, 2022

## I. The big picture

A. New Hampshire is a national leader in the field of special education.

1. New Hampshire has been a consistent national leader in identifying eligible students for special education services under the IDEA. According to the New Hampshire Department of Education, in 2016-2017, 15.4% of all U.S. children ages 3-21 were identified as students with disabilities under the IDEA. During the same year, 18.7% of all NH children ages 3-21 were identified as students with disabilities under that statute.<sup>1</sup> Similarly, according to the National Center for Education Statistics ("NCES"), in 2013-2014, 12.2% of public school students nationwide received special education services. During the same year, 15.3% of NH public school students received special education services.<sup>2</sup>
2. New Hampshire is also a leader in identifying eligible students for educational accommodations and modifications under Section 504 of the Rehabilitation Act of 1973. According to the U.S. Department of Education's Office for Civil Rights, in 2011-2012, 1.5% of all U.S. public school students were served with educational accommodations and modifications solely under Section 504. In NH, during the same time frame, 4.8% of public school students received educational accommodations and modifications solely under Section 504, which was the highest rate among all states.<sup>3</sup>
3. Importantly, New Hampshire has a strong track record of educating IDEA-eligible children in regular education classrooms, thereby leading the national push for less restrictive special education environments. In 2019, the Center for Public Education reported that approximately 64% of U.S. children who receive special education services under the IDEA were educated in a general education classroom for 80 percent or more of their school day. In the same year in NH, approximately 71.6% of children receiving special education services were educated in a general education classroom for at least 80 percent of their school day.<sup>4</sup>
4. New Hampshire is also a leader among states for the percentage of IDEA-eligible children who graduate with a high school diploma. NCES reported in 2018-2019 that

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<sup>1</sup> <https://www.education.nh.gov/sites/g/files/ehbemt326/files/inline-documents/2020-04/sac-sped-funding-10032018.pdf>

<sup>2</sup> State Snapshots - NCLD <https://www.nclld.org/wp-content/uploads/2017/03/New-Hampshire.Snapshot.v2.pdf>

<sup>3</sup> <https://www.edweek.org/teaching-learning/states-vary-in-proportion-of-students-with-disability-related-504-plans/2015/09>

<sup>4</sup> <https://www.nsba.org/-/media/NSBA/File/CPE-IDEA-FactSheet-3.pdf?la=en&hash=50C7EF5312C26DBA7F4E8CEBC6AEA6A8F9DC63B0>

68.2% of U.S. public school students with disabilities graduated from a four-year high school program. In NH, during the same academic year, 72% of public school students with disabilities graduated from a four-year high school program.<sup>5</sup>

5. New Hampshire's national leadership in the field of special education is appreciated by NH families. According to results from the New Hampshire Department of Education's 603 Bright Futures Annual Survey in Spring 2021, 82% of family member respondents whose children received special education services were "generally satisfied" with Individualized Education Plans ("IEPs") and other aspects of the IEP Team process.<sup>6</sup>

B. The IDEA (at 20 U.S.C. § 1407(a)(3)) directs states to minimize the number of their special education laws that exceed the requirements of federal law.

1. Despite this, the New Hampshire Board of Education's rules governing special education exceed the requirements of federal law in scores of ways.<sup>7</sup>
2. Most importantly, unlike the IDEA, which requires that a school district obtain parental consent before implementing a student's *first* IEP or *first* special education placement, New Hampshire's special education rules prohibit a school district from implementing *any* IEP or placement without prior written parental consent (or permission from a hearing officer). Ed 1120.04.

## II. HB 1141 as introduced

A. Most provisions in the bill amend RSA 194-B:11, III, which governs special education for children attending charter schools. However, Section 4 of HB 1141 proposes to amend RSA 186-C, which governs special education generally.

B. Section 1 proposes to delete from RSA 194-B:11, III(a) the following language: "and shall retain all current options available to the parent and to the school district." Why delete that? What problem does that proposed deletion seek to solve? Special education laws offer many options to parents and school districts. Why narrow those options for only students receiving special education at charter schools? What specific option do the bill's sponsors find objectionable?

C. Section 1 of the bill also proposes to add the following to RSA 194-B:11, III(a): "The resident district shall fund a free and appropriate public education for the student in the least restrictive environment in which the student's individualized education program (IEP) can be implemented."

1. This provision is unnecessary.

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<sup>5</sup> [https://nces.ed.gov/ccd/tables/ACGR\\_RE\\_and\\_characteristics\\_2018-19.asp](https://nces.ed.gov/ccd/tables/ACGR_RE_and_characteristics_2018-19.asp)

<sup>6</sup> <https://secure.panoramaed.com/nhdoe/understand/11596526/summary>

<sup>7</sup> <https://www.education.nh.gov/sites/g/files/ehbemt326/files/inline-documents/sonh/nh-standards-in-excess-chart-11-19-20.pdf>



a. RSA 194-B:11, III(a) already imposes financial and programmatic responsibility for special education on the student's district of residence. In turn, the IDEA requires the responsible entity to provide special education and related services that are "free" and "appropriate."

b. The IDEA already requires education in the least restrictive environment. 20 U.S.C. § 1412(a)(5).

D. Section 2 of the bill proposes to add to RSA 194-B:11, III(c) a requirement that a school district obtain "the parent's written consent" for all special education and related services in the child's IEP.

1. This addition is unnecessary. The New Hampshire Board of Education's special education rules already require parental consent (or permission from a hearing officer) before a school district may implement or amend *any* student's IEP. Ed 1120.04(a)(2)-(3), (b).

2. If the sponsors of HB 1141 believe it is necessary to codify by statute what Ed 1120.04 already requires, why single-out charter school students rather than all students receiving special education?

E. Section 2 of the bill proposes to add the following as RSA 194-B:11, III(d): "A resident district shall obtain the written consent of the parents of a child with a disability before changing the nature or extent of special education and related services, including the location of the special education and related services in subparagraph III(b)."

1. This provision is unnecessary. As noted above, the New Hampshire Board of Education's special education rules already require parental consent (or permission from a hearing officer) before a school district may implement or amend *any* student's IEP or placement. *See* Ed 1120.04(a)(2)-(3), (5), (b).

2. This provision, read literally, leaves no room for a hearing officer to resolve disagreements between parents and their school district. It essentially gives parents veto power over whatever the school district proposes. If that is the sponsor's intent, why give this right to only parents whose children attend charter schools?

F. Section 3 of the bill proposes to add to RSA 186-C:2 a definition of "least restrictive environment." This provision is unnecessary. The IDEA already includes the following guarantee:

"Least restrictive environment. To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the

regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.” 20 U.S.C. § 1412(a)(5).

G. Section 4 of the bill proposes to amend RSA 186-C:7, II by removing a statement that parents “have the right to participate in the development of” the IEP. Section 4 of the bill proposes to insert, in place of the deleted language, that parents “shall be full participants” in the IEP team “pursuant to 34 C.F.R. section 300.321 of the Individuals with Education Disabilities Act.”

1. 34 C.F.R. § 300.321 is not part of the IDEA. It is one of the U.S. Department of Education’s regulations implementing the IDEA. This leads one to wonder whether the bill’s authors have fully read the laws they cite.

2. Section 4 of the bill is unnecessary. Both the IDEA (at 20 U.S.C. § 1414(d)(1)(B)(i)) and the U.S. Department of Education’s implementing regulations (at 34 C.F.R. § 300.321(a)(1)) state that the IEP team shall include the student’s parents. Court decisions establish that the IEP team must listen to the parents and consider their requests.

3. It is unclear what Section 4 of the bill means when it says that parents “shall be full participants” on the IEP team.

4. Most importantly, Section 4 of the bill overlooks that New Hampshire’s special education rules (Ed 1120.04) already exceed federal law by requiring parental consent (or permission from a hearing officer) before the school district may implement any IEP or placement. As a practical matter, an IEP team cannot gain parental consent if it disregards their concerns.

### **III. Rep. Cordelli’s proposed amendment to HB 1141**

A. Representative Cordelli’s proposed amendment to HB 1141 is not germane. The original bill is titled “relative to special education services for children in chartered public schools.” Most of original bill merely amends the charter school statute, RSA 194-B. Rep. Cordelli’s amendment, in contrast, is aimed at RSA 186-C, which governs special education in general.

B. Section 1 of Rep. Corelli’s proposed amendment adds to RSA 186-C:2 a definition of “least restrictive environment.”

1. While this proposed amendment is generally harmless, it is also unnecessary, as it merely reiterates almost verbatim what the IDEA already says at 20 U.S.C. § 1412(a)(5).

2. Additionally, Section 1 of the proposed amendment is technically flawed because it cites “34 C.F.R. section 300.114 of the Individuals with Disabilities Education Act.” That citation is incorrect. 34 C.F.R. §§ 300.114-300.120 are the provisions in the U.S.

Department of Education's regulations expanding on the requirement for placement in the least restrictive environment.

C. Section 2 of Rep. Cordelli's proposed amendment adds to RSA 186-C:7 that parents shall be "full participants" on the IEP team.

1. This provision is unnecessary. See Section II-5 of this critique (above) for an explanation of why.

2. Section 2 of Rep. Cordelli's proposed amendment refers to "34 C.F.R. sections 300.321 and 300.222 of the Individuals with Disabilities Education Act." In fact, 34 C.F.R. sections 300.321 and 300.222 are U.S. Department of Education regulations implementing the IDEA; these regulations expand on the IDEA's guarantees that parents attend IEP team meetings and that the IEP team fully consider their input and requests.

D. Section 3 of Rep. Cordelli's proposed amendment strikes the requirement that every IEP include short term objectives or benchmarks. Why? The IDEA requires that every IEP include annual goals, but amendments to the federal statute in 2004 generally removed the requirement for short term objectives or benchmarks. New Hampshire, nevertheless, elected to maintain the requirement for short term objectives and benchmarks.

E. Section 3 of Rep. Cordelli's amendment proposes to add, as RSA 186-C:7, III(a)-(c), various requirements for the IEP team meeting. These additions are harmless, but unnecessary, as they already exist in the U.S. Department of Education's regulations implementing the IDEA. See 34 C.F.R. § 300.322(a)-(b).

F. Section 3 of Rep. Cordelli's amendment also proposes to add, as RSA 186-C:7, III(d), that parents "may object to the participation of an individual in an IEP team meeting who does not meet the requirements of 34 C.F.R. section 300.321(a)." <sup>8</sup> That clause is tolerable. However, Rep. Cordelli's proposed amendment goes on to state that, if the parents object, "the meeting *shall* be postponed and rescheduled." (Emphasis added.) Postponing or rescheduling the meeting is not a sensible solution; instead, the objectionable member should be excused from attending the meeting.

G. Section 3 of Rep. Cordelli's amendment proposes to add as RSA 186-C:7, IV that each child's IEP shall "shall incorporate the provisions of 34 C.F.R. section 300.320." This requirement is harmless, but unnecessary. 34 C.F.R. § 300.320 is the U.S. Department of Education regulation listing the required elements of an IEP.

H. Section 4 of Rep. Cordelli's amendment proposes to add that the State Board of Education special education rules shall be consistent with RSA 186-C and federal law.

1. That amendment is harmless, but unnecessary. The State Board already lacks authority to adopt rules inconsistent with the enabling statute. Under the Supremacy Clause of the U.S. Constitution, federal law automatically trumps contradictory state laws.

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<sup>8</sup> We assume that by "provisions" the amendment's authors mean the *information* required by 34 C.F.R. § 300.320, rather than the text of that federal regulation.

2. The proposed amendment will make a difference only if the undefined term “consistent” implies that the state rules may not confer upon students and their parents more rights than conferred by RSA 186-C or federal law.

I. Section 5 of Rep. Cordelli’s amendment proposes to modify RSA 186-C:24, II(b) regarding mediation.

1. With one notable exception, these proposed amendments are tolerable, but unnecessary. They merely reiterate what federal law already requires. *See* 34 C.F.R. § 300.506.

2. The exception is proposed RSA 186-C:24, II(k), which states, “Parties to the mediation process shall not be required to sign a confidentiality pledge or nondisclosure agreement prior to, or as a precondition, to the commencement of the mediation process.”

a. The U.S. Department of Education’s regulations demand that *discussions occurring during mediation* remain “confidential.” 34 C.F.R. § 300.506(b)(8).

b. It is common, in both special education mediation and all other sorts of mediation, to require that parties sign such a confidentiality pledge before mediation commences.

c. Perhaps Rep. Cordelli is concerned that some *settlements* reached during mediation include a confidentiality provision barring parents from disclosing *the terms of the settlement agreement*. If that is his concern, we note the following:

i. The federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, which governs student records, bars school districts from disclosing the terms of the settlement agreements without prior written parental consent.

ii. Parents who publicize settlement agreements sometimes mislead the public by telling lies or half-truths about the terms of the agreement or the reasons for it. FERPA bars the school district from telling the public its side of the story.

iii. Thus, in the peculiar context of special education, confidentiality clauses in settlement agreements merely level the playing field. They also foster a healthy democracy by preventing parents from misleading voters.

iv. When a school district settles a close case, it is buying peace so that administrators and staff can turn their attention to other pressing issues. A confidentiality clause ensures that the school district has gained peace.

v. School districts will be less inclined to settle cases if settlement agreements are publicized. This is because, while every special education student is unique, a publicized settlement may embolden parents of other students to seek similar concessions that, in their cases, are unwarranted.

vi. Many IDEA settlement agreements involve savvy and affluent parents who unilaterally placed their children at expensive residential college preparatory schools and then retained expensive attorneys to file for hearings seeking reimbursement. School districts often settle those cases by agreeing to cost-share with the parents, because it is less expensive to settle than to litigate.

vii. Settlement agreements are arm's length transactions the parties enter into voluntarily. A statute regulating the terms of settlement agreements would be contrary to basic Libertarian tenets.

J. Sections 7 and 8 of Rep. Cordelli's amendment address special education at charter schools. These provisions are unnecessary because federal law already imposes those requirements on the entity required to offer a FAPE to students attending charter schools.

K. Section 9 of Rep. Cordelli's amendment is momentous and highly objectionable. It proposes to repeal RSA 186-C:16-c, which provides as follows:

186-C:16-c Rules Exceeding State or Federal Minimum Requirements. –

I. Whenever the state board of education proposes to adopt or amend any special education rule which exceeds the minimum requirements of state or federal law, the state board shall, in addition to the provisions of RSA 541-A, issue a report of all such proposed rules which meets the following requirements:

(a) For each rule or proposed rule contained in the report, the state board shall include the rule number, the nature of the rule, any state minimum requirement exceeded, any federal minimum requirement exceeded, and the reasons for exceeding those minimum requirements.

(b) The report shall be issued to the chairpersons of the house and senate education committees.

(c) A copy of the report shall be distributed to the superintendent of each school district in the state.

II. By December 1 of each year, the commissioner of the department of education shall issue a report of all special education rules, proposed or adopted, which exceed the minimum requirements of state or federal law. This report shall meet the requirements of paragraph I.

Rep. Cordelli recently told the NHASEA that he believes only the State legislature, not the State Board, should be allowed to adopt special education rules exceeding the requirements of federal law. This amendment veers in the opposite direction, by relieving the State Board of any duty to admit or justify – to JLCAR or the public –proposed rules that exceed federal law.



*Barrett M. Christina, Executive Director*  
*Brenda Willis, President, Derry Cooperative*  
*Holly Kennedy, First Vice-President, Hinsdale*  
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January 25, 2022

Dear Chairman Ladd and members of the House Education Committee,

On behalf of the New Hampshire School Boards Association, please accept this correspondence as NHSBA's written testimony relative to the multitude of bills listed below, related to the provision of special education services and related to general education in charter schools:

**HB 1047:** relative to the chartered public school joint legislative oversight committee.

**HB 1074:** relative to notice to a chartered public school of a special education services meeting.

**HB 1132:** relative to applications for a charter conversion school.

**HB 1141:** relative to special education services for children in chartered public schools.

**HB 1193:** relative to chartered public school fees and enrollment policies.

**HB 1212:** relative to charges for chartered public school transportation.

**HB 1402:** relative to inclusion of chartered public schools in school district bond issuance votes.

**HB 1428:** relative to the provision of special education services by chartered public schools.

**HB 1453:** relative to transportation to a chartered public school.

**HB 1499:** relative to chartered public school eligibility for state school building aid.

There are also two Senate bills related to charter schools:

**SB 238:** relative to special education services in chartered public schools.

**SB 386:** relative to the determination of state adequate education grants and chartered public school tuition amounts.

It should be noted that local districts have attempted to gain clarity around the provision of special education services in public charter schools, offering information and fiscal impacts, as well as providing additional data to, and gathering additional information from, the New Hampshire Department of Education.

In 2021, the NH State Board of Education was scheduled to hold two “retreat” days, to discuss special education in charter schools, stating that experts, as well as those in the field, would be presenting to the state board, in a collaborative effort to potentially revise the charter school rules to reach a better understanding between charter schools and local districts. While the state board did hold one day of “retreat” to discuss general education in charter schools, the days dedicated to addressing special education in charter schools were never held.

It is also important to recognize that New Hampshire is the only state which handles special education in public charter schools in our current format. There are no other states to look to, in regards to implementation of special education services by multiple districts based on the student’s district of residence in one charter school, and to address the complexities of this model.

NHSBA would support the possibility of a Memorandum of Understanding being developed by the Department of Education, to be used between public charter schools and local school districts, which would encapsulate the concerns brought forth in the charter school bills filed this session. Additional topics addressed could include, but not be limited to such topics as what is considered the least restrictive environment, rate setting by the Department of Education for charter schools to bill back to local districts for special education or related services, transportation of students to charter schools, meeting notification, etc. All of these concerns are currently left to local districts now, to negotiate with each separate charter school where students attend. For some districts, this can mean trying to meet with between 5-10 charter schools, some far from the district of residence.

Please do not hesitate to reach out with any further questions or if NHSBA can be of any further assistance.

Respectfully submitted,

Rebecca R. Wilson, NHSBA, Director of Governmental Relations



**Archived:** Friday, January 28, 2022 9:23:07 AM  
**From:** Moira Ryan  
**Sent:** Thursday, January 27, 2022 10:52:31 AM  
**To:** ~House Education Committee  
**Cc:** Tracy Walbridge; Marilyn Muller; Darlene  
**Subject:** SUPPORT for HB 1141  
**Importance:** Normal

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Chairman Ladd and Members of the House Education Committee,

My name is Moira Ryan and I am writing to you to ask for your support for HB 1141. HB 1141 is needed by a lot of parents who need a smaller environment for their students who also require supports and services. As you are well aware, this issues has hit he media several times in the past two years. Parents have been asserting their rights to retain their student in the least restrictive environment which would be the charter school. While Rebecca Fredette claims that Least Restrictive environment is only releative to programming, many parents were forced to move their children out of charter schools because their sending districts were forcing their children to waste precious instructional time being bussed back and forth to the district and the schools gave the Parents NO SAY in what happened to their children. Schools weaponized this to damage children. First, these public schools denied a smaller environment to help the child learn. When the parent went and found such an environment, the schools failed to accomodate them in their school environment. They made this decision on the basis of staffing, which is a violation of IDEA. This damaged kids by forcing them to again miss valuable instructional time. In fact, schools even refused to accomdate after or before hours appointments for students at the public schools again citing staffing concerns which is illegal under IDEA. NO student should be at the mercy of a school that doesn't want to help them.

First, charter schools are PUBLIC schools. Under IDEA, any public school child is entitled to supports and services to help them learn and it is supposed to be done in the classroom first and move to separate classroom and then separate programming or an out of district placement. The parent is supposed to have a say in this but the school districts have twisted the state wording to edge out of the parent with the help of attorneys like Drummond Woodsum who regularly conduct seminars on how to achieve negative outcomes like this.

I have attempted to advocate for many children who attend charter schools but the school districts essentially come in and say this is what we are willing to do. They often ignore whole entire chunks of IEPs, citing staffing, which again, under IDEA is completely illegal. Parents are hard pressed to try and hire an attorney at almost \$400/hour just to get their kids the basic things they need. They openly violate the law and do so with impunity.

This made the paper in Nashua and became exacerbated when COVID started as children with IEPs were essentially left in the dust as unimportant. Parents were then left with the indignity of watching school officials make outrageous claims when the proficiency scores for children with IEPs plunged to single digits during COVID. Failing to take responsibility for their shortcomings, school administrators doubled down and claimed that the test scores were bad because only the stupid kids attended school on test day. I graduated from that high school and 99% of my colleagues and I went to college. We see through this and we know it is BS. To add insult to injury, the governor of this state mandated that compensatory services be considered for all children with IEPs, including those in charter schools. Many schools simply issued a notice stating not necessary and failed to use the funding that the Governor provided for those services. How are we supposed to believe that schools have NO funding when funding is coming in unprecedented accounts AND funding was provided for compensatory services and schools

refused to use it despite the huge drop in proficiency scores. They also have no PLAN for mitigating learning loss and now it is too late. I have provided the DW memo which advised schools on how to avoid compensatory services several times. In addition to this, I disagreed with the school decision to not provide compensatory services to my child and no action was taken. They should have been forced to take me to due process because I did not agree with them. Again, not following the protocol.

Being in a charter school is significantly worse for parents as have to deal with two sets of school admins. Both of them gang up on the parents and the child, retaliate against them, and treat them like garbage. Any teacher worth their salt doesn't put their child in a public school preferring private school education. Every single teacher I know has their child in private school. I also taught in NH and teachers know that they can not help kids. They see kids falling through the cracks every day as their pay is absorbed by administrators who engage in damaging policies for their kids. Per the teacher code of conduct, teachers should be reported these actions. They don't. Instead, they try to sneak messages to parents asking them to advocate while denying this to administrators some who, like Peter Curro, receive \$30k raises.

**NO PARENT SHOULD HAVE TO DO THIS TO GET THEIR CHILD THE EDUCATION TO WHICH THEY ARE ENTITLED.**

**NO PARENT SHOULD HAVE TO ENDURE BULLYING FOR THE SAKE OF THEIR CHILD.**

**NO PARENT SHOULD BE FAULTED FOR ADVOCATING FOR THEIR CHILD.**

**NO CHILD SHOULD BE MISTREATED BECAUSE THEIR PARENTS ADVOCATE FOR THEM.**

And while as Ms. Mullen correctly states, all of the items in HB 1141 are in federal law, the federal law is not being followed in this state which renders the state ineligible for federal funds. We, the parents, want these items added to the state law so that the school district attorneys stop manipulating the state law with the sole purpose of denying education to children. These things are being brought to you because parents are experiencing problems and they are asking you to act.

We ask that you pass HB 1141 and reinforce the rights parents should already have.

And the fact that Rebecca Fredette told you that she has never called a school should scare you.

**SUPPORT HB 1141**

Moira Ryan

**HB1141 - relative to special education services**

Thank you, Mr. Chairman.

For the record, I am State Representative Glenn Cordelli representing Tuftonboro, Moultonborough and Sandwich in the beautiful Lakes Region.

HB1141 is a resubmission of HB1636 in 2020.

I resubmitted it as a “placeholder” bill pending the completion of the work of the HB581 study committee from last year.

I therefore have an amendment that has some modifications to HB1636 to address several issues raised plus new sections that I believe address issues we heard in the study committee.

I have the amendment available.

Thank you.

## Amendment # 2022-0119h

In this amendment, I address issues raised in testimony from parents to the HB581 Study Committee last summer and conversations I have had with Special Ed parents.

There are 4 main issues addressed in the amendment:

1. Participants in IEP meetings and perceived attempts at intimidation by districts.
2. Carte Blanche rulemaking authority currently is law for the department.
3. Complaints from parents about being forced to sign non-disclosure agreements going into mediation
4. Parental rights to access student information

Each of these issues is backed by references to federal IDEA law.

I believe the best approach is to just go thru the amendment.

Why is it necessary to emphasize federal IDEA law in our statutes?

There have been far too many complaints from parents about issues that should not be issues. The majority of parents are not going to be able to afford specialized legal assistance while school districts can hire those lawyers and most often have the cost covered by insurance.

This amendment is intended to help is a small way to level the playing field for parents.



# N.H Association of Special Education Administrators

Jane Bergeron-Beaulieu, Executive Director  
Denise Lavoie, Administrative Assistant  
Amanda Horrocks, Administrative Assistant

January 25, 2022

Rick Ladd, Chair  
NH House Education Committee  
Legislative Office Building  
Concord, NH 03301

RE: HB 1141 Relative to Special Education Services for Children in Chartered Public Schools

Dear Representative Ladd and members of House Education Committee:

The New Hampshire Association of Special Education Administrators (NHASEA) is pleased to share the following testimony for your consideration. For the record, the NHASEA is in opposition of HB 1141 as it is duplicative of what is already required under IDEA as well as NH's Special Education Rules. As such NHASEA would ask that the following questions, comments, and feedback be taken into consideration as the bill moves forward:

- Under New Hampshire law, the district where the charter school student resides retains responsibility, including financial responsibility of ensuring that the child receives a Free Appropriate Public Education (FAPE), as well as the special education and related services outlined in the Individual Education Program (IEP). This means that the local school district retains **ALL** of the special education responsibilities for resident students enrolled in charter schools, including but not limited to convening IEP team meetings, conducting evaluations, development and implantation of IEPs, and providing appropriate written notices of meetings and team decisions as required. Funding all of these expenses is the responsibility of the resident LEA. Under current law, when a child who is eligible for special education is enrolled in a charter school, the child and the child's parents, retain all of their rights under federal and state special education laws; including the child's right to be provided a Free and Appropriate Public Education (FAPE). All school districts are **REQUIRED** to provide a FAPE through the special education and related services that are outlined in the IEP. NHASEA would ask:
  - Why is it necessary to bring forward a bill which duplicates what federal and state law already requires?
- Related to the above, existing state and federal special education rules and regulations require a meeting of the IEP team and parental consent for any change in placement or amendment to a child's individual education program (IEP). There is no need for a "bill" to be brought forward that is already covered in statutory requirements.

- It is important to recognize that the NHDOE, Bureau of Special Education Support monitors school districts and the special education process for all children with IEP's including those enrolled in Charter Schools. As such, NHASEA would raise the question:
  - Has there been an identified trend of noncompliance as it relates to provision of FAPE for children with IEP's enrolled in public charter schools? What is the data to support the need for HB 1141?

In summary, members of the NHASEA feel this bill needlessly duplicates what state and federal special education rules already requires of NH's school districts. It appears to be looking for a problem that does not exist as substantiated by data. On behalf of the members of the NHASEA, thank you in advance for your consideration of this testimony and for your service to the citizens of New Hampshire.

Respectfully,



Jane Bergeron-Beaulieu  
Executive Director, NHASEA  
[jbergeron@nhasea.org](mailto:jbergeron@nhasea.org)  
Cell: 603 494-114

HB 1141 - AS INTRODUCED

2022 SESSION

22-2376

10/08

HOUSE BILL **1141**

AN ACT relative to special education services for children in chartered public schools.

SPONSORS: Rep. Cordelli, Carr. 4; Rep. Renzullo, Hills. 37; Sen. Avard, Dist 12; Sen. Ward, Dist 8; Sen. Ricciardi, Dist 9

COMMITTEE: Education

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ANALYSIS

This bill:

I. Requires the resident district to fund a free and appropriate education to a child with disabilities attending a chartered public school.

II. Requires the resident district of a child with a disability to obtain written consent of the child's parent before changing the nature of the child's services.

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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 Two*

AN ACT relative to special education services for children in chartered public schools.

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

1 1 Funding for Chartered Public Schools. Amend RSA 194-B:11, III(a) to read as follows:

2 III.(a) In accordance with current department of education standards, the funding and  
3 educational decision-making process for children with disabilities attending a chartered public  
4 school shall be the responsibility of the resident district [~~and shall retain all current options~~  
5 ~~available to the parent and to the school district~~]. ***The resident district shall fund a free and***  
6 ***appropriate public education for the student in the least restrictive environment in which***  
7 ***the student's individualized education program (IEP) can be implemented.***

8 2 Funding for Chartered Public Schools. Amend RSA 194-B:11, III(c) to read as follows:

9 (c) Consistent with section 5210(1) of the Elementary and Secondary Education Act and  
10 section 300.209 of the Individuals with Disabilities Education Act, when a parent enrolls a child with  
11 a disability in a chartered public school, the child and the child's parents shall retain all rights under  
12 federal and state special education law, including the child's right to be provided with a free and  
13 appropriate public education, which includes ***the parent's written consent for*** all of the special  
14 education and related services included in the child's IEP. The child's resident district shall have  
15 the responsibility, including financial responsibility, to ensure the provision of the special education  
16 and related services in the child's IEP ***in the least restrictive environment***, and the chartered  
17 public school shall cooperate with the child's resident district in the provision of the child's special  
18 education and related services.

19 ***(d) A resident district shall obtain the written consent of the parents of a child***  
20 ***with a disability before changing the nature or extent of special education and related***  
21 ***services, including the location of the special education and related services in***  
22 ***subparagraph III(b).***

23 3 New Paragraph; Special Education; Definitions; Least Restrictive Environment. Amend RSA  
24 186-C:2 by inserting after paragraph VII the following new paragraph:

25 VIII. "Least restrictive environment" means that to the maximum extent appropriate,  
26 children with disabilities, including children in public or private institutions, are educated with  
27 children without disabilities; and that special classes, separate schooling, or other removal of  
28 children with disabilities from the regular educational environment occurs only if the nature or  
29 severity of the disability is such that education in regular classes with the use of supplementary aids  
30 and services cannot be achieved satisfactorily consistent with Section 300.114 of the Individuals with  
31 Disabilities Education Act.



HB 1141 - AS INTRODUCED

- Page 2 -

1           4 Individualized Education Programs. Amend RSA 186-C:7, II to read as follows:

2           II. The parents of a child with a disability [~~have the right to participate in the development~~  
3 ~~of the individualized education program for the child]~~ ***shall be full participants on the***  
4 ***individualized education program (IEP) team pursuant to 34 C.F.R. Section 300.321 of the***  
5 ***Individuals with Disabilities Education Act*** and ***have the right*** to appeal decisions of the  
6 school district regarding such child's individualized education program as provided in rules adopted  
7 [~~in accordance with]~~ ***pursuant to*** RSA 541-A by the state board of education.

8           5 Effective Date. This act shall take effect upon its passage.