

REGULAR CALENDAR

April 13, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Majority of the Committee on Education to which
was referred SB 381-FN-A,**

**AN ACT establishing an office of the advocate for
special education. Having considered the same, report
the same with the recommendation that the bill OUGHT
TO PASS.**

Rep. Glenn Cordelli

FOR THE MAJORITY OF THE COMMITTEE

MAJORITY COMMITTEE REPORT

Committee:	Education
Bill Number:	SB 381-FN-A
Title:	establishing an office of the advocate for special education.
Date:	April 13, 2022
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill establishes the independent Office of Advocate for Special Education. Key is that this is an independent office. The Department of Education does their best, but parent issues too often are not resolved. After years of testimony from parents of children with disabilities, some in tears, relaying their stories of trying to get services for their child, it is clear that steps need to be taken. We cannot continue to let these children be denied services, and too often that is the case. We need to address the system issues if these children are to become independent adults. The office will receive complaints and have the ability to investigate the issues. An annual report from the advocate will be provided to the Governor, House, and Senate with advice for improving services to families. It is time for action for these families.

Vote 10-9.

Rep. Glenn Cordelli
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Education

SB 381-FN-A, establishing an office of the advocate for special education. **MAJORITY: OUGHT TO PASS. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Glenn Cordelli for the **Majority** of Education. This bill establishes the independent Office of Advocate for Special Education. Key is that this is an independent office. The Department of Education does their best, but parent issues too often are not resolved. After years of testimony from parents of children with disabilities, some in tears, relaying their stories of trying to get services for their child, it is clear that steps need to be taken. We cannot continue to let these children be denied services, and too often that is the case. We need to address the system issues if these children are to become independent adults. The office will receive complaints and have the ability to investigate the issues. An annual report from the advocate will be provided to the Governor, House, and Senate with advice for improving services to families. It is time for action for these families. **Vote 10-9.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

April 13, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Minority of the Committee on Education to which
was referred SB 381-FN-A,**

**AN ACT establishing an office of the advocate for
special education. Having considered the same, and
being unable to agree with the Majority, report with the
recommendation that the bill be REFERRED FOR
INTERIM STUDY.**

Rep. Sue Mullen

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

Committee:	Education
Bill Number:	SB 381-FN-A
Title:	establishing an office of the advocate for special education.
Date:	April 13, 2022
Consent Calendar:	REGULAR
Recommendation:	REFER FOR INTERIM STUDY

STATEMENT OF INTENT

The minority of House Education recognizes the need to examine parent concerns regarding the efficacy of the special education process in NH. However, this bill establishes the Office of the Advocate for Special Education, at the expense of \$500,000, before the LBA Audit Division has been given adequate time to conduct the performance audit requested by the HB 581 study committee charged with offering suggestions for improvement. This bill does nothing to enhance the dispute resolution process that is already in place at the Department of Education. Our committee heard much testimony regarding the lack of staff and chronically under-filled positions that inhibit the department's attempts to respond to parents and schools. If established, the Advocate for Special Education would be able to accept complaints, but would have no authority to intervene or order changes in existing policies or procedures. The minority believes the already established Office of the Child Advocate may be in a better economic and staffing position to offer families/guardians the support they need. Due to the number of issues raised and questions that could not be answered, the Minority believes the bill is best suited for Interim Study.

Rep. Sue Mullen
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Education

SB 381-FN-A, establishing an office of the advocate for special education. **REFER FOR INTERIM STUDY.**

Rep. Sue Mullen for the **Minority** of Education. The minority of House Education recognizes the need to examine parent concerns regarding the efficacy of the special education process in NH. However, this bill establishes the Office of the Advocate for Special Education, at the expense of \$500,000, before the LBA Audit Division has been given adequate time to conduct the performance audit requested by the HB 581 study committee charged with offering suggestions for improvement. This bill does nothing to enhance the dispute resolution process that is already in place at the Department of Education. Our committee heard much testimony regarding the lack of staff and chronically under-filled positions that inhibit the department's attempts to respond to parents and schools. If established, the Advocate for Special Education would be able to accept complaints, but would have no authority to intervene or order changes in existing policies or procedures. The minority believes the already established Office of the Child Advocate may be in a better economic and staffing position to offer families/guardians the support they need. Due to the number of issues raised and questions that could not be answered, the Minority believes the bill is best suited for Interim Study.

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on SB 381-FN-A

BILL TITLE: establishing an office of the advocate for special education.

DATE: April 13, 2022

LOB ROOM: 205-207

MOTIONS: **OUGHT TO PASS**

Moved by Rep. Cordelli

Seconded by Rep. Boehm

Vote: 10-9

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Melissa Litchfield, Clerk

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on Bill # SB 381-FN-A

BILL TITLE: establishing an office of the advocate for special education
DATE: 4/13/22
LOB ROOM: 207

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. B. Lenn Cordell Seconded by Rep. Hobson Vote: 9-10

MOTION: (Please check one box) Reconsider

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. Lekas Seconded by Rep. Soti Vote: 10-9

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. Cordell Seconded by Rep. Buehn Vote: 10-9

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: _____ YES NO

Minority Report? Yes _____ No If yes, author, Rep: Mullen Motion IS

Respectfully submitted: [Signature]
Rep. Melissa Litchfield, Clerk

OFFICE OF THE HOUSE CLERK



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

2022 SESSION

Education

SB 381-Fn-A (2) Motion: OTP

AM #:

Exec Session Date:

4/13/22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
<i>Chairman</i>			
Ladd, Rick M. Chairman <i>last</i>	10	(10)	
Cordelli, Glenn Vice Chairman <i>first</i>	1		
Litchfield, Melissa A. Clerk	2		
Boehm, Ralph G.	3		
Lekas, Alicia D.	4		
Moffett, Michael	5		
Hobson, Deborah L.	6		
Ford, Oliver J.	7		
Soti, Julius F.	8		
Nelson, Bill G.	9		
Myler, Mel Walz, Mary Beth <i>Rep. Sullivan, Brian last</i>		9	
Luneau, David J. <i>1st</i>		1	
Cornell, Patricia		2	
Tanner, Linda L.		3	
Ellison, Arthur S.		4	
Mullen, Sue M.		5	
Woodcock, Stephen L.		6	
Porter, Marjorie		7	
A. Hall, Muriel C.		8	
TOTAL VOTE:	10	9	

OFFICE OF THE HOUSE CLERK

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



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2022 SESSION

Education

SB 381-F11-A Motion: OTP AM #: _____ Exec Session Date: 4/13/22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
<i>Chairman</i> Ladd, Rick M. Chairman <i>last</i>	9		
Cordelli, Glenn Vice Chairman <i>first</i>	1		
Litchfield, Melissa A. Clerk	2		
Boehm, Ralph G.	3		
Lekas, Alicia D.		1	
Moffett, Michael	4		
Hobson, Deborah L.	5		
Ford, Oliver J.	6		
Soti, Julius F.	7		
Nelson, Bill G.	8		
Myler, Mel-Walz, Mary Beth <i>Rep. Sullivan last</i> <i>Brian Sullivan</i>		10	
Luneau, David J. <i>1st</i>		2	
Cornell, Patricia		3	
Tanner, Linda L.		4	
Ellison, Arthur S.		5	
Mullen, Sue M.		6	
Woodcock, Stephen L.		7	
Porter, Marjorie		8	
A. Hall, Muriel C.		9	
TOTAL VOTE:	9	10	

OFFICE OF THE HOUSE CLERK



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

2022 SESSION

Education

Reconsideration

SB
Bill #: 381-FD Motion: OTD AM #: _____ Exec Session Date: 4/13/22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
<i>Chairman</i>			
Ladd, Rick M. Chairman <i>last</i>	10		
Cordelli, Glenn Vice Chairman <i>First</i>	1		
Litchfield, Melissa A. Clerk	2		
Boehm, Ralph G.	3		
Lekas, Alicia D.	4		
Moffett, Michael	5		
Hobson, Deborah L.	6		
Ford, Oliver J.	7		
Soti, Julius F.	8		
Nelson, Bill G.	9		
Myler, Mel-Walz, Mary Beth <i>Rep Sullivan, Brian last</i>		9	
Luneau, David J. <i>1st</i>		1	
Cornell, Patricia		2	
Tanner, Linda L.		3	
Ellison, Arthur S.		4	
Mullen, Sue M.		5	
Woodcock, Stephen L.		6	
Porter, Marjorie		7	
A. Hall, Muriel C.		8	
TOTAL VOTE:	10	9	

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON SB 381-FN-A

BILL TITLE: establishing an office of the advocate for special education.

DATE: April 11, 2022

LOB ROOM: 207 **Time Public Hearing Called to Order:** 9:55am

Time Adjourned: 11:20am

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:

Sen. Reagan

Sen. Hennessey

Sen. Bradley

Sen. Watters

Sen. Avard

Sen. Ward

Sen. Rosenwald

Sen. Gannon

Sen. Sherman

Rep. Spillane

TESTIMONY

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

Senator Regan

- Introduced the bill

Rep. Luneau

- Concerned regarding the word "abandoned" in the Senator's testimony

Rep. Walz

- Concerned how this could possibly work and not just a department to field complaints

***Cassandra Sanchez - Office of Child Advocate**

- In opposition to bill as written
- Bill duplicates duties done within the office of Child Advocate

Rep. Ladd

- Letter "you" sent specifies that you do not have the expertise needed.
- So why do you oppose this position?

Rep. Lekas

- Question: If a child needs an Advocate - who pays for that?
- Response: In this case, it would be the state that pays.

Rep. Ellison

- Question: What is the outcome that this person could do?
- Response: It would be a role very similar to that Cassandra Sanchez. The stuff would educate parents but not attend meetings.

Emily Lawrence - Assistant Child Advocate -

Question: Rep. Moffett: What has been suggested in Ms. Sanchez proposal? Is this being utilized in other states?

Response: Yes

Rep. Hobson

- Question: How many positions are we talking about
- Response: Two

Rep. Ford

- Question: What are you authorized to do in legal situations?
- Response: What trends with data and reviews and bring things to the legislative table

Rep. Luneau

- Question: Does this need legislation or can this just be done through the budget process?

Kate Shea

- 700 people signed a petition for this bill
- Independent party - needed for this role
- 1 in 20 children now have neurodiversity needs

Rep. Rep. Lekas

- Question: How do you suggest we handle this for the families?

***Christine Metzner**

- In support of this bill

***Jane Bergeron - NH Assoc. Special Ed Administrators**

- Does not support this bill

Rep. Luneau

- Children receiving Special Ed - 30 - 35,000 students

Moira Ryan - Parent Advocate

Rebecca Fredette - NHED

- Technical help from Department
- Consistent number of complaints each year- 34 this year

Respectfully submitted,

Rep. Melissa A. Litchfield, Clerk

House Remote Testify

Education Committee Testify List for Bill SB381 on 2022-04-11

Support: 65 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	4/4/2022 12:02 PM
Hennessey, Erin	Senate District 1, NH peter.oneill@leg.state.nh.us	An Elected Official	Myself	Support	No	No	4/5/2022 10:30 AM
Bradley, Jeb	SD3, NH jeb.bradley@leg.state.nh.us	An Elected Official	SD3	Support	No	No	4/6/2022 9:38 AM
Bouchard, Shannon	Sandown, NH bouchardbunch@gmail.com	A Member of the Public	Myself	Support	No	No	4/6/2022 10:58 AM
Rosenwald, Cindy	Nashua, NH cindy.rosenwald@leg.state.nh.us	An Elected Official	SD 13	Support	No	No	4/8/2022 12:20 PM
Lawrence, Emily	Concord, NH Emily.L.Lawrence@childadvocate.nh.gov	State Agency Staff	The Office of the Child Advocate	Oppose	No	No	4/9/2022 9:14 PM
Hoyt, Sandra	North Hampton, NH Sands0524@aol.com	A Member of the Public	Myself	Support	No	No	4/9/2022 10:30 PM
Ritchie, Abigail	North Hampton, NH Abbie.ritchie65@gmail.com	A Member of the Public	Myself	Support	No	No	4/10/2022 8:50 AM
Allen, Kelli	Rochester, NH Kshoota@aol.com	A Member of the Public	Myself	Support	No	No	4/10/2022 8:53 AM
O'Connor, Thomas	Rochester, NH toc.nhtert@gmail.com	A Member of the Public	Myself	Support	No	No	4/10/2022 9:02 AM
Taylor, Jacqueline	Milton, NH Jtaylor8417@yahoo.com	A Member of the Public	Myself	Support	No	No	4/10/2022 10:26 AM
Torpey, Jeanne	Concord, NH jtorp51@comcast.net	A Member of the Public	Myself	Support	No	No	4/10/2022 12:50 PM
Keeler, Margaret	New London, NH peg5keeler@gmail.com	A Member of the Public	Myself	Support	No	No	4/10/2022 2:29 PM

Hurley, Paujla	Concord, NH graffymanor@comcast.net	A Member of the Public	Myself	Support	No	No	4/10/2022 3:15 PM
Fudge, Kim Marie	NORTH CONWAY, NH kimfudge20@gmail.com	A Member of the Public	Myself	Support	No	No	4/10/2022 3:24 PM
Hackmann, Kent	Andover, NH hackmann@uidaho.edu	A Member of the Public	Myself	Support	No	No	4/10/2022 3:25 PM
Walbridge, Tracy	Rochester, NH tracywalbridge@gmail.com	A Member of the Public	Myself	Support	No	No	4/10/2022 3:55 PM
Walbridge, Zoe	Rochester, NH zoewalbridge@gmail.com	A Member of the Public	Myself	Support	No	No	4/10/2022 3:56 PM
Symms, Jane	Farmington, NH janesymms6_1@yahoo.com	A Member of the Public	Myself	Support	No	No	4/10/2022 3:58 PM
Symms, Alvin	Farmington, NH Poorfarm@metrocast.net	A Member of the Public	Myself	Support	No	No	4/10/2022 4:00 PM
Moore, Susan	Franconia, NH susan.moore.franconia@gmail.com	A Member of the Public	Myself	Support	No	No	4/10/2022 4:01 PM
MacGregor, Leslie	Grantham, NH lsmacgregor@gmail.com	A Member of the Public	Myself	Support	No	No	4/10/2022 4:25 PM
Winslow, Dalton	Grantham, NH dwinslow04736@gmail.com	A Member of the Public	Myself	Support	No	No	4/10/2022 4:26 PM
Symms, Brian	Allentown, NH northofreality1999@aol.com	A Member of the Public	Myself	Support	No	No	4/10/2022 5:11 PM
Cahill-Yeaton, Miriam	Epsom, NH nmyeaton.mims@yahoo.com	A Member of the Public	Myself	Support	No	No	4/10/2022 5:14 PM
Keegan, jJohn	Boscawen, NH peoresnada@tds.net	A Member of the Public	Myself	Support	No	No	4/10/2022 6:02 PM
Moore, Ellen	Danville, NH elliemore@comcast.net	A Member of the Public	Myself	Support	No	No	4/10/2022 7:50 PM
Caruso, William	Belmont, NH 3hemlockdr@gmail.com	A Member of the Public	My Son	Support	No	No	4/10/2022 8:00 PM
Brennan, Nancy	Weare, NH burningnan14@gmail.com	A Member of the Public	Myself	Support	No	No	4/10/2022 8:08 PM
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Support	No	No	4/10/2022 8:24 PM
Perencevich, Ruth	Concord, NH rperence@comcast.net	A Member of the Public	Myself	Support	No	No	4/10/2022 9:06 PM

Hershey, Jane	Rindge, NH janelhershey@gmail.com	A Member of the Public	Myself	Support	No	No	4/10/2022 9:28 PM
Thomas, Anne	Rindge, NH annethomasjazz@gmail.com	A Member of the Public	Myself	Support	No	No	4/10/2022 10:19 PM
Struble, Julie	Rye, NH pandpea@comcast.net	A Member of the Public	Myself	Support	No	No	4/10/2022 10:26 PM
Hayes, Randy	Canterbury, NH rcompostr@gmail.com	A Member of the Public	Myself	Support	No	No	4/10/2022 10:36 PM
Reed, Barbara	North Swanzey, NH BDRreed74@gmail.com	A Member of the Public	Myself	Support	No	No	4/10/2022 11:51 PM
Eno, Patricia	Salem, NH marktrisheno@yahoo.com	A Member of the Public	Myself	Support	No	No	4/11/2022 2:39 AM
Smith, Julie	Nashua, NH cantdog@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/11/2022 5:16 AM
Ellermann, Maureen	Concord, NH ellermannf@aol.com	A Member of the Public	Myself	Support	No	No	4/11/2022 6:49 AM
Dewey, Karen	NEWPORT, NH pkdewey@comcast.net	A Member of the Public	Myself	Support	No	No	4/11/2022 7:09 AM
Baucom, Pam	Walpole, NH ptubridybaucom@gmail.com	A Member of the Public	Myself	Support	No	No	4/11/2022 7:46 AM
Travers, Ann	Deerfield, NH NHsnowrider5@gmail.com	A Member of the Public	Myself	Support	No	No	4/11/2022 7:55 AM
Houston, Alicia	Nashua, NH Ahouston617@gmail.com	A Member of the Public	Myself	Support	No	No	4/11/2022 8:03 AM
Murphy, Nancy	Merrimack, NH Murphy.nancya@gmail.com	A Member of the Public	Myself	Support	No	No	4/11/2022 8:06 AM
Rasmussen, Elissaq	Brookline, NH elissa@evanshatz.com	A Member of the Public	Myself	Support	No	No	4/11/2022 8:35 AM
Karcz, Danielle	Raymond, NH daneswim@comcast.net	A Member of the Public	Myself	Support	No	No	4/11/2022 8:52 AM
Liberman, Sheryl	Merrimack, NH saml54@comcast.net	A Member of the Public	Myself	Support	No	No	4/11/2022 8:54 AM
Jones, Andrew	Pembroke, NH arj11718@yahoo.com	A Member of the Public	Myself	Support	No	No	4/11/2022 8:55 AM
Devore, Gary	Pembroke, NH torin_asheron@yahoo.com	A Member of the Public	Myself	Support	No	No	4/11/2022 8:55 AM

Beaudoin, Lisa	Peterborough, NH lisab@ablenh.org	A Member of the Public	ABLE NH	Oppose	No	No	4/11/2022 8:59 AM
Ostroff, Sam	Exeter, NH sostroff@comcast.net	A Member of the Public	My family	Support	No	No	4/11/2022 9:00 AM
Cote, Melissa	Epsom, NH mcote1031@gmail.com	A Member of the Public	Myself	Support	No	No	4/11/2022 9:04 AM
Archibald, Janan	KENSINGTON, NH jva_archibald@yahoo.com	A Member of the Public	Myself	Support	No	No	4/11/2022 9:10 AM
Sheaff, Nicole	Exeter, NH nmsheaff@msn.com	A Member of the Public	Myself	Support	No	No	4/11/2022 9:28 AM
Bevill, Robert	Merrimack, NH bob@bevill.com	A Member of the Public	Myself	Support	No	No	4/11/2022 9:46 AM
Kimel, Karen	Northwood, NH Loloabbamom@gmail.com	State Agency Staff	Myself	Oppose	No	No	4/11/2022 9:49 AM
Corell, Elizabeth	Concord, NH Elizabeth.j.corell@gmail.com	A Member of the Public	Myself	Support	No	No	4/11/2022 10:10 AM
Dahl, Dana	Milford, NH danaldahl@gmail.com	A Member of the Public	Myself	Support	No	No	4/11/2022 10:19 AM
Martin, Patricia A	Rindge, NH pmartin2894@yahoo.com	A Member of the Public	Myself	Support	No	No	4/11/2022 10:49 AM
Weber, Jill	Mont Vernon, NH jill@frajilfarms.com	A Member of the Public	Myself	Support	No	No	4/11/2022 11:49 AM
Sherman, Senator	SD 24, NH jennifer.horgan@leg.state.nh.us	An Elected Official	SD24	Support	No	No	4/11/2022 4:18 PM
Gildersleeve, Darlene	Hopkinton, NH dmcote88@gmail.com	A Member of the Public	Myself	Support	No	No	4/11/2022 4:45 PM
Laker-Phelps, Gail	Chichester, NH lpsart@tds.net	A Member of the Public	Myself	Support	No	No	4/11/2022 6:54 PM
Holt, David	Somersworth, NH davholt@aol.com	A Member of the Public	Myself	Support	No	No	4/11/2022 7:26 PM
Tracey, Maureen	Meerimack, NH Maureentracey3@hotmail.com	A Member of the Public	Myself	Support	No	No	4/11/2022 7:53 PM
Robinson, Ellis	Grantham, NH ellismmrobinson@gmail.com	A Member of the Public	Myself	Support	No	No	4/11/2022 8:53 PM
Istel, Claudia	Acworth, NH cistel79@gmail.com	A Member of the Public	Myself	Support	No	No	4/11/2022 8:55 PM

Banfield, Ann Marie	North Hampton, NH Banfieldannmarie@gmail.com	A Member of the Public	Myself	Support	No	No	4/11/2022 9:08 PM
Blagriff, Jennifer	Hopkinton, NH jenniferblagriffpt@gmail.com	A Member of the Public	Myself	Support	No	No	4/11/2022 10:32 PM
McKernan, Timothy	Pembroke, NH timm@ablenh.org	A Member of the Public	ABLE NH	Oppose	No	No	4/11/2022 11:31 PM

Archived: Friday, April 22, 2022 9:28:41 AM
From: Jennie
Sent: Wednesday, April 6, 2022 12:22:58 PM
To: ~House Education Committee
Subject: Please support SB381
Importance: Normal

Please support an independent office of the Special Education Advocate.

Special needs parents need help and assistance to advocate for our child's specific needs as the school district is not providing enough and not really understanding our kids with individual needs. Putting our kids in a smaller, self-contained classroom is not enough. There are other related services like OT and speech, which school districts seem to provide the bare minimum.

In an IEP meeting or other meetings, the parent is often going against a school team of 7 members, who obviously are in agreement with the school's recommendation despite the parent believing otherwise and disagreeing.

We need to help parents and provide real assistance to help them

Thank you.
Jennie Tsai
14 Ascot Court
Bedford, NH 03110



State of New Hampshire

Office of the Child Advocate



Cassandra Sanchez
Child Advocate

**Testimony of Cassandra Sanchez
The Child Advocate
Before the New Hampshire House Education Committee
April 11, 2022**

Good morning, Chairman Ladd, Vice Chairman Cordelli, and esteemed members of the House Education Committee. My name is Cassandra Sanchez, and I am the Child Advocate for the State of New Hampshire. I was just confirmed to this position last week, so I am grateful for the opportunity to introduce myself and look forward to working with you. Thank you for the opportunity to speak today in opposition to **Senate Bill 381-FN-A, establishing an office of the advocate for special education as written but would support the concept in an amended version.** I have with me Emily Lawrence, the Associate Child Advocate, to assist with questions as needed given that I am just days into my role.

As you know the Office of the Child Advocate is an independent agency mandated to provide oversight of state and state-arranged services to children and to promote children's best interest. Senate Bill 381 would establish an independent agency, administratively attached to the department of administrative services to house an advocate for special education. The bill replicates current obligations of the Office of the Child Advocate. We do recognize the need but believe there is a solution without redundancy and extra cost.

Current law, RSA 21-V:2, II, mandates the Office of the Child Advocate provide independent oversight of executive agencies. Agency is defined in RSA 21-V:1, I as any department, institution, bureau, or office of the state, as well as other public and private children and youth service organizations providing services under contract or agreement with an executive agency. Thus, the Child Advocate already has jurisdiction over education and special education, with access to children's educational records and other information about a child pursuant to RSA 21-V:4, I(a). Further, under RSA 21-V:2, the Child Advocate ensures children receive timely, safe, and effective services; strengthens the state by collaborating with parties on cases under review; ensures children receive dignified treatment; examines system wide services to make recommendations and advises the governor, legislature, agencies, and the public on how to improve services; and periodically review polices, procedures and practice to contribute to their improvement. The Child Advocate's mandate further includes investigating complaints, providing assistance to a child, consulting with policy makers, providing information and referral services, performing educational outreach and advocacy, and reviewing facilities where children may be placed, in this case, by their schools. This broad mandate empowers, authorizes, and equips the Child Advocate to advocate for children with concerns about unmet needs in, school. While I am only days into the role of Child Advocate, my understanding is that the mandate over education is relatively new and that the Office has not yet fully mobilized to educate the public, including the legislature, about our expanded jurisdiction. We also lack the level of expertise that Senate Bill 381 represents in a new agency.

In 2021 the Office of the Child Advocate assessed its performance as a part of developing a strategic plan. The Office discovered that SB 381 does address a shortcoming in the Office's performance to date. We are grateful to Senator Reagan and the bill's co-sponsors for recognizing the needs of many children and families who are not consistently being addressed by school districts as they should. We know that parents struggle to obtain needed special education services for their children. We are grateful to all those parents here today and who everyday advocate for their children.

The Office of the Child Advocate has observed among the approximately 300 children placed in institutional settings every year, or held at the Sununu Youth Services Center, many who are shortchanged with unmet special education needs. Too often the very manifestation of a child’s special education qualifying disability that has not been properly assessed or addressed, is the cause for behavior that prompts out-of-home placements and or adjudication for delinquency. Enhancing resources to assist children to access special education services is in children’s best interest for optimal development. It is also in the State’s interest to reduce unnecessary spending on children receiving expensive deep end services such as institutional care because of unmet educational needs.

In the Senate committee of cognizance, we pointed out this redundancy of legislation and recommended **SB 381 be amended to place the advocate for Special Education in the independent Office of the Child Advocate**. The primary reason for this is the Office’s extant jurisdiction over special education services under RSA 21-V. Again, we recognize that we have yet to fully engage individuals regarding assistance with special education concerns. This shortcoming is viewed as an effect of limited staffing and pandemic-related obstacles for community outreach. We also lack the resident expertise in special education law that would be most helpful to children with complex needs. While thus far we have been able to refer cases to others in the state with special education expertise, those resources are also limited. Placing the Special Education Advocate in the Office of the Child Advocate would bring that expertise and extra manpower to provide outreach to families and effective advocacy when needed.

Creating a whole new agency would be confusing for families already navigating complicated systems. A single access for assistance navigating systems and advocating for children eases the burden of already frustrated parents. Many children with complex special education needs have other needs served by multiple systems, such as developmental disability and behavioral health services, as well as juvenile justice and child protection services. To that end, the Office of the Child Advocate is already working with many of the same families that would benefit from a Special Education Advocate. Keeping all advocates under one roof would situate the Special Education Advocate with in-house supports and expertise in these other specialty areas.

Ultimately, keeping to one Office of the Child Advocate would save the State considerable funds. For your information, I have provided very basic overhead costs for a new agency verses enhancing the Office of the Child Advocate with extra staff. They represent a potential savings of approximately \$317,000 from the bill’s fiscal note of \$500,000. This estimate does not include costs and workload burden for the Department of Administrative Services, whose staff administer services for administratively attached agencies.

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Remainder of budget allocation	\$154,705.23	-	-

Increase to OCA budget allocation	-	\$182,534.97	-
Total	\$500,000.00	\$993,884.97	\$317,465.03

***based on allocation to new OCA in 2018**

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Thank you for your time. I welcome your questions if you have any.

William Caruso
Belmont NH, 03220
3hemlockdr@gmail.com
603-455-5710

SB:381 Establishing an office of the Advocate for special education

I Support this bill!

I am a father of a special needs 9year old autistic boy who is the joy of my life. I have been advocating for him for the past 6 years. 3 years ago I was fed up and spent our life savings of \$30,000 dollars on advocating for a proper education. My son has not received any services this school year 2021-22 the school district has refused to provide a proper education for my son. I have sent several complaints through many different branches to get help and I have not received any help what so ever and my son has lost an entire school year to this point of much needed services. As a loving dad it is painful to watch my son digress daily with his autism and developmental delays with no money left to fight, no options, it breaks my heart I feel like a failure.

Reading this bill it provides a glimmer of hope that I may be able to get help. I would be interested in serving on the council to develop the logistics and implementation for this bill. As I have many ideas and suggestions and questions.

Thank you

I appreciate your time.

William Caruso
Dad/resident of NH



April 11, 2022

Honorable Rick Ladd, Chairman, NH House Education Comm
Members of the NH House Education Comm

RE: SB 381

Dear Chairman Ladd and members of the NH House Education Comm,

My name is Lisa Beaudoin, I'm the Executive Director of ABLE NH. The intent of this bill is honorable in its attempt to provide parents and students some relief in their very real negative experiences of being denied a free appropriate public education, or being bullied, or lied to, etc. However, I have a number of concerns about SB 381 including the conflict with or detracting from existing parental rights. Additionally, there is duplication of effort and cost- and/or labor-related inefficiencies as some of the Office of Special Education Advocate tasks are already NH DOE tasks.

Moreover, the issues students with disabilities face in NH's public schools will not be addressed by this bill. It is a panacea which may or may not help a parent to feel better but the language of this bill does not mean the IEP of the student will be improved or that school districts will change their bad practices. The systemic issues in special education can be globally characterized as a failure to **include** students with disabilities as full members of their school community. Special Education has become a system of segregated education wherein students with disabilities do not have access to an equitable education.

Please send this bill to a study committee or find it Inexpedient to Legislate. This costly bill in its current form will not achieve what it intends to achieve. If we are going to create this office, let's have a study committee with a large cross-section of stakeholders including a majority of parents, relevant organizations, teachers, school board members, elected officials and other subject matter experts. Please let me know if you'd like to discuss this bill in further detail.

Sincerely,

A handwritten signature in black ink that reads "Lisa D. Beaudoin". The signature is written in a cursive style and is positioned above a horizontal line.

Lisa D. Beaudoin, Executive Director



April 11, 2022

Representative Rick Ladd, Chairman, NH House Education Committee
Members of the NH House Education Committee

Re: Revise or Table

Dear Chairman Ladd and members of the House Education Committee,

My name is Timothy McKernan. I appreciate your time today and the opportunity to testify on SB 381.

On behalf of ABLE NH, its Board and members, I'm asking you to consider amending SB 381 to address the issues described below, replace the bill with a study committee to consider the role of special education advocate and how to best establish this position, or to table the bill for future amendment and consideration.

The problems endemic to the special education system in New Hampshire encompass widespread systemic issues and the struggles of individual families. Parents of students with disabilities face systemic problems across most school districts in NH. For far too many children with disabilities, special education is a system of segregated education whereby school systems, administrators and teachers and other staff have failed to create a culture of inclusivity, high expectations, and belonging for students with disabilities. Students in this system suffer from being treated as "Those students over there."

Parents are justifiably feeling angry, frustrated, isolated, and bullied. Parents fear retaliation. Right now, there are families who need a champion. For parents who are desperate to obtain a free appropriate public education (FAPE) for their child, representation is vital. Right now, these families need accountability on a case by case basis, not the systemic change that would have prevented many of their cases from becoming so desperate in the first place.

This bill, SB 381, seeks to address these central issues but in a manner that will create a new government agency, a separate siloed office that will duplicate efforts at great cost.

The Disability Rights Center-NH (DRC-NH) and Parent Information Center (PIC), which are NH's Federally designated Protection and Advocacy organization and Parent Training and Information Center respectively, are underfunded and understaffed. These organizations possess the necessary authority and powers to pursue justice for parents of students in the special education system. These organizations are also subject to rigorous oversight and accountability measures. Additionally, IDEA requires the State DOE to investigate special education complaints. Furthermore, the Office of the Child Advocate has authority over all child services, including education (primarily for children involved in the juvenile justice system), and has the authority to obtain school records, when appropriate.

This bill would create new authority in the office of special education advocate. Rather than duplicating the investigation and advocacy functions already vested in multiple authorities, the advocate's role should collaborate with DRC-NH and PIC to provide these organizations with additional support and resources. These organizations, along with ABLE NH, could also identify the systemic issues that are impacting families of children in the special education system. The special education advocate could serve an oversight and data aggregation role with respect to other state agencies that currently possess investigatory authority with respect to special education complaints. The Office of the Child Advocate could greatly improve its effectiveness if funding is legislated to employ a special education expert.

The bill charges the special education advocate with managing a parent survey that is not anonymized and is submitted to the school directly. The DOE maintains a survey system with online access and has conducted multiple surveys in recent years. Rather than creating a new system to gather parent satisfaction information, the legislation could empower the special education advocate to utilize the DOE resources and request that surveys be conducted by the DOE on its behalf. At a minimum, the surveys could be returned to the special education advocate and the data collated. Once these data are reported out, the special education advocate can take steps to direct resources to problem districts and to support parents and schools that need help to make the IEP process functional.

Beyond issues of duplication of effort, some of the duties and responsibilities created in the special education advocate would be very difficult to achieve.

The portfolio of the advocate is broadly stated as that of "...advocate, coordinator, and point of contact for those parents, guardians, and caretakers of students with disabilities or students with disabilities when dealing with school districts..." The advocate is also charged with "authority to inquire of, investigate, and review all documents from any school, district, or special education department in this state." and will have "access to all IEP documents, 504 plans, related supports and services, treatment plans, progress reports, and report cards of all students with disabilities." Notably, there does not appear to be a way for parents or students to deny access to records. It is unclear how the advocate will manage all of these duties and what qualifications will be required of the advocate or its office and assistants. The DOE has testified that they typically monitor six (6) school districts a year with a staff of seven, and that to monitor more districts they would need additional funding. What would the cost be for the special education advocate to monitor every IEP process in every school district? We advise narrowing and detailing the advocate's responsibilities and authority, and strengthening its accountability to the public and reporting requirements.

We suggest that the committee also take under consideration the recommendations conveyed to the Committee to Study Special Education Dispute Resolution Options and the Burden of Proof in Due Process Hearings Conducted by the Department of Education by a group of stakeholders advocating for students with disabilities and parents of children with disabilities.¹ These recommendations include: 1) the formation of a committee to study the options, mechanisms, and outcomes of special education disputes; 2) audits of DOE procedures; 3) requiring the DOE to prepare guidance regarding standard procedures to detect the need for educational services, and 4) numerous recommendations regarding making the full range of dispute resolution mechanisms in special education more robust, available, and known to the public.

¹ Letter of October 25, 2021, appended.

Finally, if the New Hampshire General Court wishes to substantively address the challenges that these parents face, it must clearly declare that inclusive education principles and practices are the NH standard and direct the State Board of Education and the Department of Education to create regulations to enforce such standards. These inequities will not be righted until all students are treated as equally deserving of our investment and respect.

Thank you for your consideration. For all of these reasons, please consider amending SB 381 as suggested above, or tabling it for future consideration and amendment.

Timothy M. McKernan
Director of Policy and Advocacy
ABLE NH

Shannon Bouchard

I am in support of an Independent advocate for special education students. My daughter has struggled and had absolutely no school for six months. I can't afford to fight the district's attorneys on my social security disability income. PIC and DRC though can tell you the laws either don't have the ability to help or are too busy to help in support of parents looking to have the state and federal laws followed. It is great we have new and current laws helping parents yet when they are not enforceable because parents have no help. The current system with NHDOE does nothing to support us. Just get passed around from person to person. Email Steve Berwick you are sent to Rebecca Fredette who may send you to Bridgette Pare who sends you to Natasha who sends you back to someone new and it starts again. Please make this independent if you truly want to help the children and parents of NH. I would be there in person to testify. yet last time I came to give live testimony in support I fell and hit my head pretty bad. With my MS this had me in bed for a week. I would be there if I could. We need this, our children need this. Thank you for your time and consideration.

Thomas O'Connor

I know that in my city (Rochester) many SpecEd students do not receive their services. Parents are intimidated by the school administration. The kids need their appropriate services and the parents need independent help!

Jacqueline Taylor

I support this bill as I am a parent of a severely disabled autistic child and I cannot find a child advocate, which is much needed in this process. I support this bill with every ounce of my being!

Julie Struble

As a Mom of 3 children, ages 10 to 17 with IEPs, my education in SPED has been a slow albeit necessary one. This bill is something I wholeheartedly support as an advocate for my children and as an adult simply learning how to navigate 21st century education. I urge you to move forward and pass this bill and help NH parents working within SPED parameters to be educated advocates who can work with the state's educators to be the best team they can be in helping every child become the best person and learner they can be.

Patricia Eno

Testimony sent via email last week

Ann Travers

I am a parent of a special education student. I have been harassed and retaliated against for filing state and civil rights complaints. I advocate for my child but I am tired of the incompetency of special education and administrators at the school. This process needs oversight badly!.

Melissa Cote

As a parent who child has been denied an education for her whole school career, I support SB381

Nicole Sheaff

Hello Senators, My name is Nicole Sheaff, I am a resident of Exeter, NH, and I am the mother of 4 children diagnosed with disabilities and receiving IEP services from SAU 16. My experience with Special education services varies year to year and definitely depends on the skill level and personality of the case manager I work with. All of my children at different ages have been restrained and secluded. My youngest experienced this her first month of 3rd grade and she had no hx of behavior problems prior. My oldest daughter spent most of her 3rd grade year in a closet with a SPED teacher receiving inclusive classes only during Library Art, Music, PE, and Recess. My second son, qualified for full day kindergarten due to his extensive needs, yet was prevented from participating in a full day until April because his case manager didn't feel he was ready. I provide you with all these examples so you can have a glimpse into the struggles of mine and my children's trauma with education in school. I am a pediatric occupational therapist and write IEP goals for a living. I know my children the best and spend an average of 20 hrs a week advocating for their needs and meeting with their therapy and school staff. I recently quit my job because the amount of advocating needed for all my children surpassed what I was able to do while working full time. I have hired advocates, spoken to PIC, consulted the DRC, and am still left to do all the work alone. My ask for this bill is that you vow to consult with families on what they need from this department before it is established. I do not have the financial abilities to take a school to court for due process, I do not have the time or resources to fight the schools alone for FAPE and inclusion. After 17 years of fighting, my children are finally receiving the services they required and are thriving. Inclusion is still in progress. I want you to vote yes on this bill knowing that it needs to have input from families when established. Thank you for taking the time to consider my testimony.

Nicole Sheaff 6 Cross Road Exeter, NH03834603-793-8557

Karen Kimel

It makes no sense to create another agency and duplicate spending when there is already an agency dedicated to this effort and changes could be incorporated to satisfy the need outlined in the bill.

Darlene Gildersleeve

Dear House Education Mr. Chair and Members: My name is Darlene Gildersleeve. I am a former member of the Board of Directors of Disability Rights Center, Graduate of the UNH Institute on Disability's NH Leadership Series, a participant of Parent Information Center's Volunteer Parent Advocacy Training, served in various Committee's for the 10 year Mental Health plan to advocate for the inclusion of children and help many families and students with IEP's in NH at no cost. I am a Mom of 2 children that had/ have IEP's. In Hooksett my son was denied an IEP twice. It was always a battle for services. Hooksett even hired the highly paid law firm of Drummond and Woodsum at taxpayer expense. Yes, they used my own taxpayer dollars to consistently argue against providing services for a child with various educational disabilities. A non attorney advocate named Michael Opuda bullied me to tears. He was also freely given my son's student files and very private medical records without my permission, which is a clear FERPA violation. In Hopkinton, where we relocated, it was no better. My daughter was having a tough time academically. She was denied an Evaluation twice, in violation of Child Find. Only when she had a significant breakdown on school property did the district finally evaluate her. By then, it was clear the District could not provide FAPE to her, nor a safe environment. Yet, it was a very draining fight to get her the services she required educationally. Since 2012 I have helped countless families who also struggle with getting Special Education Evaluation and services. Recently a student reading in the 1st% -that is correct- in the FIRST PERCENTILE- was denied an Evaluation in Hopkinton. The Mom cried as the Principal insisted "we don't evaluate" in the summer. False! The district is required to test in the summer. This child cries every day for school because other children are reading and she can't. This massive failure of Child Find is a common theme I hear about. Districts are emboldened by their highly paid attorneys and lobbyists. Who fights for the students??? As a Board Member of Disability Rights Center I can tell you the Attorneys and staff are spread extremely thin and only take a very small percentage of cases. Most of the parent intake calls are told they cannot be helped because "not enough staff, not enough money". Parents call Parent Information Center and are told what to say to the IEP team, if they even get called back within a week. The parents are then laughed at and dismissed. Parents try to call NH Legal Assistance who also takes a bare minimum of calls and are spread thin with other cases. So, who is left to serve the consumer of education? Who is left to help who needs it the most? No one! Complaints received by staff at the NHDOE are not forwarded to Commissioner Edelblut for review. He is not told about them so can't act. These staff do not investigate fully EVERY complaint they receive. So the real and actual numbers of complaints received is underreported. In fact the vast majority of NH parents don't trust the NHDOE complaint process at all, as schools scoff and even laugh in the face of a complaint. We NEED an Independent Office of the Special Education Advocate in NH. An office NOT under the current Child Advocate. This new Office of the Child Advocate must be truly independent to be free of union or lobbyist influence. We must ensure that our most vulnerable students with disabilities are truly advocated for, their Federal rights under IDEA are enforced, and state law is actually being followed. Please pass SB381 to finally look out for and protect students with disabilities in NH. SB381

is a must, created by recommendations of the HB581 study committee

Darlene GildersleeveHopkinton, NH

Archived: Friday, April 22, 2022 9:28:40 AM
From: Lisa Beaudoin
Sent: Monday, April 11, 2022 11:55:29 AM
To: ~House Education Committee
Subject: SB 381
Importance: Normal
Attachments:
[SB 381.pdf](#)

Dear members of NH House Education Comm,

Please see my attached testimony on SB 381. Please let me know if you have any questions.

Cheers,

Lisa D. Beaudoin, Executive Director

2 1/2 Beacon St., suite 10, Concord, NH 03301 603-878-0459

www.ablenh.org

Inclusion-Everyone. Everywhere. Everyday

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State of New Hampshire

Office of the Child Advocate



Cassandra Sanchez
Child Advocate

**Testimony of Cassandra Sanchez
The Child Advocate
Before the New Hampshire House Education Committee
April 11, 2022**

Good morning, Chairman Ladd, Vice Chairman Cordelli, and esteemed members of the House Education Committee. My name is Cassandra Sanchez, and I am the Child Advocate for the State of New Hampshire. I was just confirmed to this position last week, so I am grateful for the opportunity to introduce myself and look forward to working with you. Thank you for the opportunity to speak today in opposition to **Senate Bill 381-FN-A, establishing an office of the advocate for special education as written but would support the concept in an amended version.** I have with me Emily Lawrence, the Associate Child Advocate, to assist with questions as needed given that I am just days into my role.

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Thank you for your time. I welcome your questions if you have any.

Archived: Friday, April 22, 2022 9:28:38 AM
From: Shannon Bouchard
Sent: Wednesday, April 20, 2022 9:45:03 AM
To: ~House Education Committee
Subject: SB 381 support
Importance: Normal

To house education committee:

I support SB381 to have an INDEPENDENT voice in the IEP process. The Office of the Special Education Advocate must be a stand alone agency.

I oppose this Independent Office of Special Education Advocate being added to the Office of Child Advocate.

My child received no education of special education for the 2021-2022 school year until I unilaterally placed her in a private online academy.

She received the Manifest Educational Hardship due to bullying and harassment and also having suicide ideation and then not following up with her individual counseling that was written in her IEP. They just didn't bother. Living on a fixed social security income I have not had the resources to hire an attorney. I spent a huge chunk of money paying for an advocate and they were trying to work with the district who brought their attorney Gerry Zelin who's input was the LRE was to come back to Timberlane as it was a different building now then where the bullying occurred. (Middle school building)

My daughter is thriving in the private academy which the district refused to pay or look into. The 1:1 teacher student learning platform has had her go from failing pre-algebra with a grade of 15% to taking Algebra 1 and having a grade of 89.9%. Instead of keeping her at this placement she is excelling, with no emotional issues the only other out of district placement would be a special education school at the cost of \$15,000 more than the online academy I was asking for.

Gerry Zelin also offered for her to go back to the previous out of school placement of Pinkerton Academy that had unenrolled her 14 days before she was due to attend because we had asked them to follow IDEA and not have her special education in a resource room. They unilaterally held a meeting and unenrolled her saying they are a private facility and EVERYONE on an iep attends a resource room. After that all the time passed a wasted year when previously she hadn't even passed freshman year due to remote learning and then offering no credit recovery over the summer. The cost of credit recovery was \$150 per .5 credit that I could not afford, They now want to take her out of a private academy I've paid for myself and they will not accept any credits from and put her there. Put her somewhere that is more restrictive.

Parents desperately need an INDEPENDENT advocate so that their Children's rights stop being taken advantage of.

I wonder if after providing no education to my child if they still collect funding for her? That wouldn't surprise me at all.

Please allow parents and special education students a chance to have what the laws promise and the education they desperately need.

Sincerely,

Shannon Bouchard

Dear NH State Representatives:

I am writing in support of SB 381 in order that future students and parents are not forced to endure what my son and I have been through. My son, currently aged 20, was diagnosed with autism spectrum disorder at age 5. I requested, in writing, an IEP. There was a meeting held in which the principal of his new school angrily asked how I found out about special education, rather than how the school district missed identifying Sam in child find at the town recreation department's parent paid kindergarten.

Sam got an IEP, but under the category OHI, as the team "didn't see" signs of autism that would affect his education. They didn't see it because they didn't test for every area of suspected disability, as the law requires. They will only suspect autism (and test accordingly) if the team codes the child that way, not if a medical doctor diagnoses it. I was told by the first-grade teacher that I would have to medicate Sam for ADHD – against the recommendation of the pediatrician, as well as the FDA recommendations of the medications available at the time. I did not do so. Sam's IEP gave him access to a shared paraprofessional that year, and it was not until October of the next year that I learned this person did not, in fact, exist. The para in the class was a 1-1 for another student whose mom knew the rules better than I. His teacher also prevented him from using the bathroom "off limits" or visiting the school nurse. The pediatric gastroenterologist that we were referred to diagnosed constipation so bad that Sam was on MiraLAX for years. The IEP was changed to include "absolute" bathroom and nursing privileges, but nobody told the playground staff, or the PE teacher, and Sam chose to swallow his vomit rather than be punished for going to the bathroom when his raised hand got ignored.

While still in elementary, my son was supposed to get 30 minutes of pull-out specialized instruction from his case manager that did not happen. I caught them in the spring, and the director of special education offered compensatory education in the form of summer tutoring at a 1-1 meeting. I was required to decide on the spot – no written prior notice, "yes or no?" I took it. That same year, my son was supposed to be able to go to a quiet, supervised, location (resource room) at his will to work. Once when he asked, adults thought he shouldn't need it, so he was sent to the principal's office instead. He was not even permitted "free time" to quietly play with his Pokémon cards after school was over while waiting for the late bus, but rather "had to" engage with the other kids in a loud game. His fourth-grade teacher and aide physically dragged him down the hall, (empty during recess so he was not in danger) and every mandated reporter in the school stayed silent.

Middle school was worse. A behavior specialist came up with a plan that seemed appropriate, then allowed an untrained aide to implement it incorrectly. As a result, Sam would miss entire classes of Art, PE, Music (all part of an adequate education that EVERY student is entitled to) unless every bit of work was completed for academics. The agreement was that he was just supposed to work on that day's assignment. Sam became suicidal at age 13 because of this, but 22 school employees, most of whom knew nothing about the situation packed the IEP meeting to fight me, without giving me as parent any opportunity to explain privately to the BCBA that her plan was not being implemented as intended.

Middle school also saw the "small group math intervention", written into the IEP at 45 minutes twice a week with a special educator. This took place in an honest-to-God converted broom closet with 20 special needs students, 1 special educator and a para. Meanwhile, his twin got study hall with the actual math teacher, 1 para and about 10 kids in the real math classroom. By senior year, Sam would test at grade 6 level in math. He didn't learn it until he got out of Salem.

I tried the Parent Information Center, who would not entertain helping me until I had complete, well organized records for them to review. Then, they still would not advocate, but rather, would “teach me to advocate”. Like most parents, I work. Deadlines for filing complaints pass pretty quickly when one thinks they are getting help that isn’t genuine. I called the DRC several times. They will agree, over the phone, that a school district has violated the law, but they “were not taking any new cases right now” on every occasion that I tried. I hired a lawyer in middle school that explained to the team that when there is evidence-based therapy available, the school must use it. The district denied my proposed therapy as non-evidence based until I supplied 19 peer reviewed clinical trials. They paid \$2,500 out of pocket expenses for one year of therapy that could have benefitted dozens of kids if they purchased it for \$3,000. Then denied it thereafter, eventually convincing NH DOE’s hearing officer that they implemented it based on one entry in the OT log from when I borrowed the system from the outside OT. They claimed it didn’t work. Their untrained OT had trained others to use the system, and they were not doing it properly. Training was free.

New Hampshire Special Medical Services is another false resource – or one for the school districts rather than parents. A medical doctor reviewed my son’s records, their team explained to the school team (outside of my presence) that the problem was “environmental” and that Sam was in need of an outside placement. They recommended a place called North Star Education Services, a therapeutic environment, but refused to put this recommendation into writing because “they can’t go against the school”. Knowing nothing about *the NH list of Approved Private Special Education Programs*, an entity that should not exist because it limits the continuum of placements to those that have established a contract with NH DOE, I paid for tutoring at North Star in 2019. The next day, in order to try and resolve a Due Process complaint, the IEP team offered to pay for this tutoring as part of a revised IEP. They did not have a fully agreed upon IEP, as required by law, from September 2018 – April, 2019. Their attorney, at Due Process, managed to convince the Hearing Officer that this was not a problem. New Hampshire has one Due Process Hearing officer listening to the vast majority of cases, Amy Davidson. In my ruling, she clearly faulted me for protected acts of advocacy and free speech. I filed two complaints, as the first one had not been clear. Both complaints found fault with the SAU, ordering compensatory education and corrective actions, but I was admonished for filing them. I was unable to have witnesses appear at the hearing, because New Hampshire DOE has no mechanism to serve subpoenas for parents (or even inform them that subpoenas, once granted, must be served by the parent’s hiring of a sheriff in each county of a witness residence, and pay the process server, witness fee, and witness expenses up front. There needs to be more than one hearing officer and a fair way to assign them as Ms. Davidson looked to the SAU attorney for advice on every point of law that came up. She permitted a 50 page “post hearing submission” from both sides, rather than a fair verbal closing argument where a parent could conceivably make a decent case.

I was unable to appeal my Due Process hearing in 2019, because when I asked for the name and address of “a court of competent jurisdiction” I was told by Steve Berwick that that was legal advice, rather than technical information. There is a survey attached to dispute resolution that asks if communication has improved, but has no negative answer – just “very much, somewhat, and “not sure”.

Rebecca Fredette, NH DOE attorney, is definitely not a parent resource but a rather a school district protector. Her office, rather than taking full information from the parent, will call the school district and allow them the opportunity to cover things up. My district tried to make the next IEP meeting all about the complaint about past actions rather than discussing my son’s future needs. She has just sent out a

memo “advising strongly against” the presence of attorneys or their representatives at IEP meetings. Parents that don’t know better think this will stop the practice, but I know from experience that the LEA is free to ignore advice of any strength. Best practices are optional, even though for a school district’s lawyer could not realistically have any “special knowledge” of the child without violating FERPA, Ms. Fredette is allowing them to claim that this special knowledge exists. Private, protected, personal information is brought up at each IEP meeting, and school district lawyers do not provide educational services, they only prevent them.

My son has received an education because I had the means to pay for it. I paid for OT, and Speech, and tutoring. Salem School District is now refusing to reimburse me for tutoring despite including it within two IEP’s with Written Prior Notice. The Superintendents of School (2) have issued letters and “consent agreements”, asking to change the nature of future programming in exchange for paying for the tutoring in the past IEP. Documents within their files are termed “verbal promises” or perhaps they have been removed from the files? I can hire a lawyer, per the letters, (for much more than the cost of the tutoring), rather than obtain an explanation of why the Superintendent, with his PhD. In education, considers my Written Prior Notice a verbal promise. The school district is required to explain everything, in terms that my now adult son can understand, rather than refer me to their attorney so I can prove what is all over their files. As a purported senior in 2020, Salem offered, in writing, an adult diploma within a written prior notice. They did not include that this would not end eligibility for Special Education, they misstated by a full year the English requirement to get even that diploma. Sam enrolled in VLACS, a regular education charter school. He learned 6 years of math in two years with the help of “unapproved” special education help from North Star. He also went from self-contained special education English courses that he was failing in Salem High - that Hearing Officer Amy Davidson ruled were reasonable despite not being included in his IEP as such to passing English 4 via VLACS with an A.

New Hampshire parents need somewhere to turn that will actually assist them in gaining FAPE for their kids. Due Process is broken. The NH Procedural Safeguards, republished in December 2021, claim that it’s the Hearing Officer’s responsibility to explain burden of proof at the pre-hearing conference. DOE is hiding the important changes that you, our legislators have made to the law. FERPA is broken. They do not investigate the vast majority of complaints, and ask that you not request an update for 90 days. This allows the LEA to spin a false narrative with no repercussions. The SAC is not staffed and maintained. The PIC will not assist with a complaint. The DRC will not assist with a complaint. The DOE will not enforce the laws. Sam has received an academic education because I paid for much of it and fought for more. He will graduate VLACS with a regular HS diploma soon.

Patricia Eno

90 Shadow Lake Road Salem NH 03079 marktrisheno@yahoo.com

I will answer questions or provide evidence of my assertions upon request.

Archived: Friday, April 22, 2022 9:28:41 AM

From: [Patricia Eno](#)

Sent: Thursday, April 7, 2022 12:14:47 PM

To: ~House Education Committee

Subject: SB 381 written testimony

Importance: Normal

Attachments:

[SB 381 testimony.docx](#) 

To: NH House Education committee members, with deepest thanks and appreciation for all you have done and are trying to do for our kids.

You have my permission as well as that of my son to share with other house members.

My son's email is sameno444@gmail.com if you wish to confirm his permission.

Patricia Eno

Salem, New Hampshire

Archived: Friday, April 22, 2022 9:28:41 AM

From: [Holly Nash](#)

Sent: Friday, April 8, 2022 6:05:27 PM

To: [~House Education Committee](#)

Subject: SB 381

Importance: Normal

Dear House Committee Members,

As the mother of a 17-year-old son with autism who will be graduating high school this June, I am strongly in favor of you voting for an INDEPENDENT OFFICE for the Special Education Advocate. There needs to be a place where the Special Education Advocate is not sharing funds nor anything else with any other office. I don't feel that special education gets as much focus or support as it should. Our children suffer because of this. We are counting on you to right this wrong.

Special Needs Mom and Advocate
Holly Nash



April 11, 2022

Honorable Rick Ladd, Chairman, NH House Education Comm
Members of the NH House Education Comm

RE: SB 381

Dear Chairman Ladd and members of the NH House Education Comm,

My name is Lisa Beaudoin, I'm the Executive Director of ABLE NH. The intent of this bill is honorable in its attempt to provide parents and students some relief in their very real negative experiences of being denied a free appropriate public education, or being bullied, or lied to, etc. However, I have a number of concerns about SB 381 including the conflict with or detracting from existing parental rights. Additionally, there is duplication of effort and cost- and/or labor-related inefficiencies as some of the Office of Special Education Advocate tasks are already NH DOE tasks.

Moreover, the issues students with disabilities face in NH's public schools will not be addressed by this bill. It is a panacea which may or may not help a parent to feel better but the language of this bill does not mean the IEP of the student will be improved or that school districts will change their bad practices. The systemic issues in special education can be globally characterized as a failure to **include** students with disabilities as full members of their school community. Special Education has become a system of segregated education wherein students with disabilities do not have access to an equitable education.

Please send this bill to a study committee or find it Inexpedient to Legislate. This costly bill in its current form will not achieve what it intends to achieve. If we are going to create this office, let's have a study committee with a large cross-section of stakeholders including a majority of parents, relevant organizations, teachers, school board members, elected officials and other subject matter experts. Please let me know if you'd like to discuss this bill in further detail.

Sincerely,

A handwritten signature in black ink that reads "Lisa D. Beaudoin". The signature is written in a cursive style and is positioned above a horizontal line.

Lisa D. Beaudoin, Executive Director

CHRISTINE M. METZNER
30 Pine Street
Rye, New Hampshire. 03870
cmmetzner@gmail.com

April 11, 2022

New Hampshire House of Representatives
Education Committee
Concord, New Hampshire

Re: Support for SN381

Dear Committee Members:

My name is Christine Metzner and I live in Rye, New Hampshire. I am here to support SB381. My experience with my son's 504 Plan and in the IEP process demonstrates the need for a Special Education Advocate here in New Hampshire. And I have this three-inch binder, which is overflowing with e-mails, letters, plans, notices, meeting notes, meeting corrections, doctor's letters, updated doctor letters, etc., and it covers only about 14 months.

At the age of 10, my son developed a neuroimmune condition, and among his many symptoms were extreme anxiety, agoraphobia, sensory issues, and cognitive regression. It was as if he had a traumatic brain injury, but his symptoms progressively got worse.

When he was in 6th grade, we developed a 504 Plan and later wound up in the IEP process. I am a lawyer by training (not presently practicing), and I familiarized myself with these laws, but, especially for the IEP process, it took hours to begin to understand the framework of the system. I was overwhelmed and I turned to an advocate and later hired a lawyer to help. I made it clear to the school what I believed would help my son – some home tutoring because his agoraphobia was so bad, he was unable to leave the house. We had meetings that my son's psychologist attended, but they couldn't say yes or no to my request.

Hiring a lawyer of course made the school start having a lawyer attend the meetings. But, once I hired a lawyer, my simple request, for a home tutor a couple of hours a week, was magically granted. This was 4 weeks and three meetings after I first made the request.

The tutors came for about two months – until the end of the school year. I estimate that my son had about 20 hours of home tutoring. **That was the entirety of his public education in the last six months of that school year. And I am sure that the lawyers made more money than the tutors, not to mention the hours of administrator and teacher times at meetings.**

Come September, the school would not allow any further tutoring, despite the recommendations of my son's providers. Instead, my son was on a very part-time schedule, with a plan to gradually increase his time in school.

As to the IEP process, we agreed to evaluations in the summer between 6th and 7th grades. But 60 days passed, and we heard nothing from the evaluators. We agreed to the school's request for an extension, but 30 days later, still no completed evaluations. I never heard from one of the school's evaluators, and the school's chosen psychiatrist did not contact my son's providers for the information he needed. At this point, there had been a total of nine 504 and IEP meetings. My son's psychologist was at six of these meetings and my lawyer and the school's lawyers were at five of them. We finally decided to homeschool our son - he was not getting a free and appropriate education, and the school was kicking the can down the road.

While homeschooling my son, I was shocked by how many people were homeschooling their children because of the difficulties they faced with 504s or IEPs. Parents of children who need accommodations or services need an office to turn for help. I mentioned earlier that I am a lawyer by training. The procedural safeguards are not written in plain English, and I had trouble understanding them. I hired an advocate and then a lawyer, and if I needed help, imagine a single mother with a full-time job and children with significant educational needs. Or someone for whom English is not their first language.

In addition, schools are spending more and more on legal fees. My own SAU has talked about increasing expenses for legal fees because they see a trend of "advocate-outreach" by parents. With all the training school personnel get from law firms through their state associations, there is no reason for them to hire a lawyer for individual 504s and IEPs. I've seen no indication that schools are asking why parents are seeking more help. Parents do not fully understand the process, they do not feel heard, and they are quite likely overwhelmed by the process. These facts all point to the need for a Special Advocate for Education in New Hampshire.

Finally, I'd like you to know that after homeschooling my son for most of 7th and all of 8th grade, his condition improved substantially, and he returned to public school for 9th grade and is now thriving as a sophomore.

Thank you for your thoughtful consideration.

Very truly yours,

/s/ Christine M Metzner

Christine M. Metzner



N.H Association of Special Education Administrators

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

April 10, 2022

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

RE: SB 381 Establishing an Office of the Advocate for Special Education

Dear Representative Ladd and Members of the House Education Committee:

The NH Association of Special Education Administrators (NHASEA) is pleased to share the following testimony for consideration. Please know at this time the NHASEA will not testify in support or opposition of SB 381 and would offer the following comments for consideration as the bill moves forward.

- Currently the NHDOE has a process for investigating special education complaints and for the oversight of special education in school districts. There is no evidence that the NHDOE fails to provide adequate or significantly aggressive oversight of special education in school districts.
- The IDEA makes the State Educational Agency (SEA) responsible for ensuring that all IDEA eligible children receive a FAPE. The IDEA is therefore built on the assumption that the SEA will enforce all student rights.
- Currently the NHDOE Bureau of Special Education Support is significantly under staffed and lacks resources. Only one Full Time position in the Bureau is funded by the state and all other positions are federally funded. The NHASEA would ask the question: should the resources outlined in the fiscal note of SB 381 be directed toward supporting the Bureau of Special Education Support to enhance existing monitoring processes?
 - FERPA applies only to education agencies that receive funds from the US Department of Education. It seems that this independent agency/office of the Advocate for Special Education probably will not. Proposed RSA 186-C:38(d) gives the Advocate authority to “inquire, investigate, and review all documents from any school district.” Does that mean investigate an allegation or merely investigate a *document*? And if it means investigate or review a school district document, FERPA will bar such actions without prior written parental consent.
- There are also questions related to the definition of students with disabilities (specific to special education rules), left undefined. This leads to Section 504 and covers students with physical or mental disabilities that substantially impairs a major life activity.
- Proposed 186-C:38, I(i) directs the Advocate to “establish minimum measures to ensure that copies of all relevant documents which are discussed at any family meeting involving a student receiving services under this chapter are given to the student’s family at least 5 days

in advance of any scheduled meeting at which these are to be discussed.” As such the NHASEA raises the following questions:

- What is a “family meeting?” Is it limited to IEP team meetings?
- NH’s special education rules already require that when an evaluation report is discussed at a meeting, it must be disclosed with parents at least five days in advance, unless parents waive that right. This new statute would require that *any* document discussed at the meeting be disclosed five days in advance and does not allow parents to waive that right. That is impractical.
- Why direct the Advocate to establish minimum standards for disclosing documents at least five days in advance since the statute already establishes a five-day deadline?
- If the bill allows the Advocate to adopt standards that go beyond the 5-day deadline the state creates, the bill should be amended to require that the Advocate follow the rulemaking process set forth in RSA 541-A when adopting such standards. Rulemaking would give school districts a chance to provide input when standards are being developed.
- Proposed RSA 186-C:38, I(j) gives the Advocate authority to investigate not only allegations of retaliation by school district or school personnel, but also “any and all complaints filed by a parent, guardian, or caretaker of the student.” Below you will find a list of questions/concerns raised by the NHASEA:
 - What kinds of complaints can be filed?
 - The statute creates no mechanism to ensure that such investigations are accurate or fair.
 - The statute does not authorize rulemaking to ensure that such investigations are accurate or fair.
 - The statute does not require that the Advocate or the Advocate’s employees have any expertise in special education, special education law, or conducting investigations.
 - The statute contains no mechanism to enforce the Advocate’s findings after an investigation is completed, other than RSA 186-C:38, I(j), which allows the advocate to investigate and refer instances of retaliation by school districts or school personnel to “departments or agencies for action.”
 - The way that provision is written, it assumes the retaliatory act to be investigated actually occurred. A more reasonable statute would authorize investigations of “alleged” retaliatory acts.
 - The statute creates no mechanism to appeal the Advocate’s findings.
 - The statute contains no provision to prevent complainants from sullyng the reputations of school personnel who are found innocent after investigations. For example, the statute does not prevent a complainant from inaccurately publicizing the outcome of an investigation. FERPA will prevent the school district and its personnel from telling the public their side of the story.
 - The statute contains no statute of limitations. It thereby allows stale claims, over events in the distant past that can no longer be accurately investigated due to fading memories and destroyed or misplaced records.

In summary, the members of the NHASEA feel this bill creates a system that needlessly duplicates what IDEA and section 504 already creates and requires of NH's school districts. On behalf of the members of the NHASEA, thank you in advance for consideration of this testimony and for your service to the citizens of New Hampshire. Please do not hesitate to reach out to me with questions or further clarification.

Respectfully,



Jane Bergeron-Beaulieu
Executive Director, NHASEA
jbergeron@nhasea.org
Cell: 603 494-114



Cassandra Sanchez
Child Advocate



**Testimony of Cassandra Sanchez
The Child Advocate
Before the New Hampshire House Education Committee
April 11, 2022**

Good morning, Chairman Ladd, Vice Chairman Cordelli, and esteemed members of the House Education Committee. My name is Cassandra Sanchez, and I am the Child Advocate for the State of New Hampshire. I was just confirmed to this position last week, so I am grateful for the opportunity to introduce myself and look forward to working with you. Thank you for the opportunity to speak today in opposition to **Senate Bill 381-FN-A, establishing an office of the advocate for special education as written but would support the concept in an amended version.** I have with me Emily Lawrence, the Associate Child Advocate, to assist with questions as needed given that I am just days into my role.

As you know the Office of the Child Advocate is an independent agency mandated to provide oversight of state and state-arranged services to children and to promote children's best interest. Senate Bill 381 would establish an independent agency, administratively attached to the department of administrative services to house an advocate for special education. The bill replicates current obligations of the Office of the Child Advocate. We do recognize the need but believe there is a solution without redundancy and extra cost.

Current law, RSA 21-V:2, II, mandates the Office of the Child Advocate provide independent oversight of executive agencies. Agency is defined in RSA 21-V:1, I as any department, institution, bureau, or office of the state, as well as other public and private children and youth service organizations providing services under contract or agreement with an executive agency. Thus, the Child Advocate already has jurisdiction over education and special education, with access to children's educational records and other information about a child pursuant to RSA 21-V:4, I(a). Further, under RSA 21-V:2, the Child Advocate ensures children receive timely, safe, and effective services; strengthens the state by collaborating with parties on cases under review; ensures children receive dignified treatment; examines system wide services to make recommendations and advises the governor, legislature, agencies, and the public on how to improve services; and periodically review policies, procedures and practice to contribute to their improvement. The Child Advocate's mandate further includes investigating complaints, providing assistance to a child, consulting with policy makers, providing information and referral services, performing educational outreach and advocacy, and reviewing facilities where children may be placed, in this case, by their schools. This broad mandate empowers, authorizes, and equips the Child Advocate to advocate for children with concerns about unmet needs in, school. While I am only days into the role of Child Advocate, my understanding is that the mandate over education is relatively new and that the Office has not yet fully mobilized to educate the public, including the legislature, about our expanded jurisdiction. We also lack the level of expertise that Senate Bill 381 represents in a new agency.

In 2021 the Office of the Child Advocate assessed its performance as a part of developing a strategic plan. The Office discovered that SB 381 does address a shortcoming in the Office's performance to date. We are grateful to Senator Reagan and the bill's co-sponsors for recognizing the needs of many children and families who are not consistently being addressed by school districts as they should. We know that parents struggle to obtain needed special education services for their children. We are grateful to all those parents here today and who everyday advocate for their children.

The Office of the Child Advocate has observed among the approximately 300 children placed in institutional settings every year, or held at the Sununu Youth Services Center, many who are shortchanged with unmet special education needs. Too often the very manifestation of a child’s special education qualifying disability that has not been properly assessed or addressed, is the cause for behavior that prompts out-of-home placements and or adjudication for delinquency. Enhancing resources to assist children to access special education services is in children’s best interest for optimal development. It is also in the State’s interest to reduce unnecessary spending on children receiving expensive deep end services such as institutional care because of unmet educational needs.

In the Senate committee of cognizance, we pointed out this redundancy of legislation and recommended **SB 381 be amended to place the advocate for Special Education in the independent Office of the Child Advocate.** The primary reason for this is the Office’s extant jurisdiction over special education services under RSA 21-V. Again, we recognize that we have yet to fully engage individuals regarding assistance with special education concerns. This shortcoming is viewed as an effect of limited staffing and pandemic-related obstacles for community outreach. We also lack the resident expertise in special education law that would be most helpful to children with complex needs. While thus far we have been able to refer cases to others in the state with special education expertise, those resources are also limited. Placing the Special Education Advocate in the Office of the Child Advocate would bring that expertise and extra manpower to provide outreach to families and effective advocacy when needed.

We further note that in the Senate Education Committee hearing, Rebecca Fredette, Director of Special Education with the Department of Education, testified that the bill is redundant to some of the functions the DOE is required to perform per federal law. She explained that since she has been in the role for only a short time, she is working to ensure that the system and services are being more responsive to families.

Creating a whole new agency would be confusing for families already navigating complicated systems. A single access for assistance navigating systems and advocating for children eases the burden of already frustrated parents. Many children with complex special education needs have other needs served by multiple systems, such as developmental disability and behavioral health services, as well as juvenile justice and child protection services. To that end, the Office of the Child Advocate is already working with many of the same families that would benefit from a Special Education Advocate. Keeping all advocates under one roof would situate the Special Education Advocate with in-house supports and expertise in these other specialty areas.

Ultimately, keeping to one Office of the Child Advocate would save the State considerable funds. For your information, at the request of the Senate Education Committee, I have provided very basic overhead costs for a new agency verses enhancing the Office of the Child Advocate with extra staff. They represent a potential savings of approximately \$317,000 from the bill’s fiscal note of \$500,000. This estimate does not include costs and workload burden for the Department of Administrative Services, whose staff administer services for administratively attached agencies.

Basic costs associated with Special Education Advocate

Expense	New Agency \$500,000.00	OCA SFY23 \$811,350.00	Savings
Special Ed Advocate salary & benefits	(\$115,459.80) agency head	\$99,853.30 non-agency head	-\$15,606.50
Support staff salary & benefits	(\$169,534.97)	\$69,681.67	-\$99,853.30

Transfers to DoIT- License fees, IT Support, infrastructure work	(\$15,000.00)	\$3000.00	-\$12,000.0
Transfers to General Services- rent, water, electric, grounds, maintenance	(\$17,000.00)	N/A	-\$17,000.00
Additional costs- consumables, equipment, hardware, travel expenses	(\$28,300.00)*	\$10,000.00	-\$18,300.00
Remainder of budget allocation	\$154,705.23	-	-
Increase to OCA budget allocation	-	\$182,534.97	-
Total	\$500,000.00	\$993,884.97	\$317,465.03

***Based on allocation to new OCA in 2018**

The Office of the Child Advocate is just four years old. In a short time, it has established itself as a valuable resource to children and families in many domains of children’s services. Recognizing the need to follow the field towards more prevention services to minimize child protection and juvenile justice cases, the Office’s jurisdiction was expanded to all children’s services. This expansion of services is just over a year old. We are still assessing the workload and staffing needs. It is very timely that SB 381 was raised as the need for this specialized resource is recognized in the Office of the Child Advocate. For these reasons I urge you to **amend SB 381-FN-A and place the Special Education Advocate in the Office of the Child Advocate with an allocation of funds for that position and one legal aid to support the Advocate.**

Thank you for your time. I welcome your questions if you have any.

Archived: Friday, April 22, 2022 9:28:38 AM
From: Shannon Bouchard
Sent: Wednesday, April 20, 2022 9:40:34 AM
To: ~House Education Committee
Subject: SB381 support
Importance: Normal

To house education committee:

I support SB381 to have an INDEPENDENT voice in the IEP process. The Office of the Special Education Advocate must be a stand alone agency.

I oppose this Independent Office of Special Education Advocate being added to the Office of Child Advocate.

My child received no education of special education for the 2021-2022 school year until I unilaterally placed her in a private online academy.

She received the Manifest Educational Hardship due to bullying and harassment and also having suicide ideation and then not following up with her individual counseling that was written in her IEP. They just didn't bother. Living on a fixed social security income I have not had the resources to hire an attorney. I spent a huge chunk of money paying for an advocate and they were trying to work with the district who brought their attorney Gerry Zelin who's input was the LRE was to come back to Timberlane as it was a different building now then where the bullying occurred. (Middle school building)

My daughter is thriving in the private academy which the district refused to pay or look into. The 1:1 teacher student learning platform has had her go from failing pre-algebra with a grade of 15% to taking Algebra 1 and having a grade of 89.9%. Instead of keeping her at this placement she is excelling, with no emotional issues the only other out of district placement would be a special education school at the cost of \$15,000 more than the online academy I was asking for.

Gerry Zelin also offered for her to go back to the previous out of school placement of Pinkerton Academy that had unenrolled her 14 days before she was due to attend because we had asked them to follow IDEA and not have her special education in a resource room. They unilaterally held a meeting and unenrolled her saying they are a private facility and EVERYONE on an iep attends a resource room. After that all the time passed a wasted year when previously she hadn't even passed freshman year due to remote learning and then offering no credit recovery over the summer. The cost of credit recovery was \$150 per .5 credit that I could not afford, They now want to take her out of a private academy I've paid for myself and they will not accept any credits from and put her there. Put her somewhere that is more restrictive.

Parents desperately need an INDEPENDENT advocate so that their Children's rights stop being taken advantage of.

I wonder if after providing no education to my child if they still collect funding for her? That wouldn't surprise me at all.

Please allow parents and special education students a chance to have what the laws promise and the education they desperately need.

Sincerely,

Shannon Bouchard

Archived: Friday, April 22, 2022 9:28:38 AM
From: [Shayna Gray](#)
Sent: Wednesday, April 20, 2022 12:23:42 PM
To: [~House Education Committee](#)
Subject: SB381
Importance: Normal

I support SB381 to have an independent voice in the process and represent families of children with disabilities. The Office of Special Education advocate must be a stand alone agency so that the school districts can be held accountable.

My family has two children with disabilities and my younger son spent more of his time in first grade in a cubicle in the office with an aide than in his classroom or his teachers. The police in that town were constantly present at the school (a K-8 school) and were often ready to get involved with my six year old child before I even arrived. I was advised and pressured several times to bring him to the emergency room because he was aggressive with teachers, which was costly, ineffective, and traumatic for my child. I was given the runaround for a year and a half before I had to pull him out and homeschool him for two years because of the damage done. I had to spend so much time and energy trying to learn what the school was supposed to provide before I had to bring him home because he couldn't handle it anymore. I could not afford a lawyer to advocate for my child and I would not trust one from within their department to not protect their own interests. If my story was unique, I'd chalk it up to a school ill-prepared for students with special needs, but my son is far from the first student to receive such treatment.

This bill is necessary to protect and advocate for students whose families aren't making headway with their district. New Hampshire has had consistent failings in Special Education and it is time for the state to fix that. I believe the advocate proposed by this bill will be a good place to begin.

Archived: Friday, April 22, 2022 9:28:41 AM
From: Shannon Marie Bouchard
Sent: Wednesday, April 6, 2022 9:41:36 AM
To: ~House Education Committee
Subject: HB381
Importance: Normal

Dear House Committee,

I am writing again to ask you to please support establishing a INDEPENDENT office of the special education advocate.

Perhaps this may help another parent going through what my family has gone through. No support from the DRC when I am on disability making \$9,975 year

They help me with limited representation at the beginning helping me to get a hearing in front of my district's school board for a Manifest educational hardship. I was denied a hearing because she has a disability.

I represented myself alone, I was awarded the MEH no further assistance was available for my child. After no school placement for the 2021-2022 school year 2 months I then filed a OCR complaint and was given a case number and they opened an investigation.

We went through rapid facilitated mediation I agreed with OCR yet I think I was the only person mediating and the districts and their lawyers know even if found to be out of compliance not much will happen to hold them accountable.

After 6 months and my daughter having no education at all and slipping further and further behind her peers we made the decision to place her in a online private academy.

My daughters paternal grandmother was helping to pay for a few courses and at least she was working toward her HS diploma.

I also obtained an advocate that we were paying for \$1000 to retain and hopefully have the school pay for her placement as she was excelling in the online academy. Last year could not pass pre algebra yet in the online academy she was holding a B average with no special education supports!

We held another iep meeting and once again the districts proposal was to have her either go to a full out of district special education school or come back to the district that was determined to be a hardship and the reason of all this to begin with. Now Hannah was a year and a half behind her peers! That much older.

The only other option was to return to the first out of district placement Pinkerton Academy and you may be surprised now they were willing to provide special education services without it being in a predetermined resource room and they were now willing to follow the laws of IDEA and respect what we had been asking now my daughter was two years older than the students in her grade.

My daughter has had no more thoughts of suicide from the harassment and bullying she endured. Hannah has stopped self harming and now the district wanted me to choose and send her back to were this all started from. They gave my family one week to decide or they would be charging us with truancy. I was out of money because we don't have it and it had already cost everything I had.

We had to make the decision to pull her out of school over threats on truancy and compulsory education even though 6 months of me trying to get the districts help truancy wasn't an issue until now. My family made the choice to keep her enrolled at the private academy and homeschool to meet NH compulsory education law and not risk court for truancy. NH has failed my daughter and my family on the promise of a fape for all children.

The districts have a team of experienced lawyers who have been lobbying for years to change laws for their side. They have helped change the timeline of how they are held accountable from 6 years to 3 years to now only 2. They can afford to waste time on things and know that if they kick the can further down the road and eat up the time they can not be legally held responsible.

As a parent I was just trying to work with them. I needed help and could not afford it. PIC can recite all the laws they want and send out all the fancy brochures, none of it matters when the school districts have all the money and all the lawyers working for them. DRC can get funding for all the intakes they want yet they keep denying the help that's needed yet they get the funding for the intake, yet the parents trying to help their child are lost and alone.

Something needs to change and I think establishing an independent office of a special education advocate to work for the children, their parents is a start. Please don't make another family go up against these districts all alone.

Thank you for your time in reading my testimony.

Sincerely,

Shannon Bouchard

[Sent from Yahoo Mail for iPhone](#)

Archived: Friday, April 22, 2022 9:28:40 AM

From: Katherine Shea

Sent: Thursday, April 14, 2022 12:28:08 PM

To: Rick Ladd; Glenn Cordelli; AliciaLekas; ~House Education Committee

Cc: John Reagan; Moira Ryan; Tracy Walbridge; Tiffanie Capone; Darlene

Subject: IMPORTANT: SB 381 - Process Points of Failure

Importance: Normal

Attachments:

IEP Process.pdf  SB 581 IEP Process Pain Points Survey - Google Forms (1).pdf 

Good day, Honorable NH House Education Committee Members,

Quickly wanted to follow up testimony this week to share the flow diagram I had put together at some point that pinpoints major areas of catastrophic process failure in the IEP process. I have also included the comments from the Pain Point Survey which are nearly 700 (this was not the final version) and is only representative of small group within an army of parents who feel the same.

My advocacy crosses many groups, Republican, Democrat, Independent and all of these families and teachers included are saying the same things. It is irresponsible for us not to act asap, and to act in a way that we can test and learn, do something different and learn from it, not rely on studies and losing valuable time these kids and teachers have slipping away. This is based on the scientific method, and something businesses do every day! We also need to do something radically different and not pull from same pool of candidates. We need someone that understands medically driven educational needs as many of the diagnoses making up the majority of disabled are non-intellectual disabilities, many now scientifically attributed to neuro immune conditions - including autism. These kids make up the BULK of our IEPs, and I daresay most wouldn't need them if this were handled correctly!

From a financial bottom line perspective this is small money compared to what I have outlined below, and not acting will be subjecting our state to a forthcoming massive class action. As I mentioned, Texas has experienced this first hand, and it did not discriminate by party when the courts spoke. Please check out these facts. It's been over a decade they have been having audits and penalties.

Regardless, MORE IMPORTANTLY, kids and teachers lives every day are at stake, quite literally, and we are WASTING millions of dollars. The back of napkin financials are just a really quick no-brainer example that:

- We are not humanly possible to deliver on the amount of so-called services being required, and are in violation of Federal I.D.E.A. law, and a matter of time until the right whistleblower group gets involved, Simple math shows we are not only wasting money but allocating resources very badly and not even delivering the services needed, or we would not be here. We are not debating whether there is a problem, regardless of Drummond Woodsum paid to fight families (and honestly teachers too), whether there is a problem is past the point - we already agreed there IS.
- It is not fair to ask our teachers to endure the burdensome process they are required to by failure of not making decisions more quickly up front - they are trying to TEACH, as they were hired to do, not be part of IEP meetings half the week and have to testify as if they were in court, being careful of every word,

- It is not fair to kids to have to be put off year after year over small matters, while they grow anxious and depressed (quite honestly, ask any teacher, they're upset too).
- It is not fair for families to have to literally make this a full time job or not, and let the child suffer.
- This is gross mis-use of federal and state funds to continue this process and when violations are noted, the fund will be put on hold
- \$60M is a realistic example of how much time is spent and comes out of SOMEWHERE. It comes out on the backs of teachers and kids because it is RESOURCE TIME SPENT, and that is a low figure. People are absolutely paying the price, and we can either be smarter about this, or keep going and then have a massive system collapse of public education, the state from a lawsuit perspective, etc etc etc. **I am in risk management and am strongly heeding you to vote YES in favor of SB381 to prevent what I and many others see coming.**

Sincerely,

Katherine Shea

Goffstown, NH and the army of parents and teachers with me

Archived: Friday, April 22, 2022 9:28:39 AM
From: sands0524@aim.com
Sent: Thursday, April 14, 2022 3:41:59 PM
To: ~House Education Committee
Subject: Letter of Support
Importance: Normal

Good afternoon:

I will get right to the point with the end goal of making a persuasive argument as to the significance of passing SB381-Establishing an Independent Office of Special Education Advocate.

The reality is this: On July 29, 2021 Governor Sununu flipped the burden of proof in Special Education Due Process to the School Districts in NH. Why did the Governor do this? Well he indicated in his press conference that it was to “level the playing field” for parents. He also admitted that the Special Education Process was confusing and burdensome to parents. As a direct result of this flipping the burden of proof law there were 4 Ed Comm hearings this fall that were eye opening regarding the plight of so many parents in this State. I left those hearings drained. The stories of children with disabilities not being provided FAPE was disturbing at best.

Coming back to my point in the beginning- the burden of proof flipping was a win for parents at the absolute tail end of the process. So if a parent gets that far into dispute resolution then they do not carry the burden of proof; however what about the parent who simply needs help and guidance and who is afraid of retaliation for asking questions about their child’s services? Where are they to receive help from?

Unfortunately, the infrastructure already in place has not been successful. The NHDOE has been brought up as an alternative to the Independent office; however if that process had been working there would be no need to flip the burden of proof to begin with. Secondly, the Office of the Child Advocate would likely be swamped with needed assistance and may not be equipped to facilitate specific special Ed concerns. As the Governor indicted this process is daunting and one must almost be a lawyer to understand it.

Let’s keep this simple and clear. The burden of proof at the tail end of special education issues has been flipped- this alone makes a huge statement as to the validity of concerns. It is now time to identify, weed out, offer support and training, and have an independent entity assisting families of children with disabilities.

It’s plain and simple:you cannot fix the end game without addressing the issue on the ground. What’s in place now is NOT working. Children’s educational future is on the line. Please, please establish the office, hire trained staff to help parents, and in turn you won’t need to worry about the burden of proof because the issues won’t track to that “end game level.”

Most sincerely,
Sandra Hoyt
North Hampton

[Sent from the all new AOL app for iOS](#)

SB 381-FN-A - AS INTRODUCED

2022 SESSION

22-3096

10/05

SENATE BILL **381-FN-A**

AN ACT establishing an office of the advocate for special education.

SPONSORS: Sen. Reagan, Dist 17; Sen. Hennessey, Dist 1; Sen. Bradley, Dist 3; Sen. Watters,
Dist 4; Sen. Avard, Dist 12; Sen. Ward, Dist 8; Sen. Rosenwald, Dist 13; Sen.
Gannon, Dist 23; Sen. Sherman, Dist 24; Rep. Spillane, Rock. 2

COMMITTEE: Education

ANALYSIS

This bill establishes and independent office of the advocate for special education and makes an appropriation therefor.

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 establishing an office of the advocate for special education.

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

1 1 New Subdivision; Advocate for Special Education. Amend RSA 186-C by inserting after
2 section 35 the following new subdivision:

3 Advocate for Special Education

4 186-C:36 Advocate for Special Education.

5 I. There is established an office of the advocate for special education which shall be an
6 independent agency, administratively attached to the department of administrative services
7 pursuant to RSA 21-G:10, under the direction of the advocate for special education (the "advocate").

8 II. The advocate for special education shall be independent of the department of education
9 and shall serve as an advocate, coordinator, and point of contact for those parents, guardians, and
10 caretakers of students with disabilities or students with disabilities when dealing with school
11 districts and the districts' compliance with the applicable individualized education program (IEP)
12 pursuant to RSA 186-C:7 and the Individuals with Disabilities Education Act (IDEA), 504 plans
13 established pursuant to the Rehabilitation Act of 1973 (29 U.S.C. section 701 et seq.) and related
14 supports and services for students with disabilities who are provided special services pursuant to
15 this chapter and federal law, including, but not limited to, the Individuals with Disabilities
16 Education Act (20 U.S.C. Section 1400 et seq.), and the minimum requirements as they pertain to
17 the individual student.

18 III. The governor and council shall appoint an advocate for special education, who shall be a
19 person qualified by training and experience to perform the duties set forth in this section. The
20 advocate shall hold office for a term of 5 years and shall continue to hold office until his or her
21 successor is appointed and qualified.

22 186-C:37 Application of Subdivision. For purposes of this subdivision, the term "students with
23 disabilities" shall apply to all children with disabilities, regardless of residence, enrolled in a public
24 school, including a chartered public school.

25 186-C:38 Duties and Responsibilities.

26 I. The office of the advocate for special education shall:

27 (a) Serve as a resource for disability related information and referrals to available
28 programs and services for families of children with disabilities.

29 (b) Serve as a source of information and referral regarding state and federal laws and
30 regulations governing special education.

1 (c) Have the discretion to ensure all IEP documents, 504 plans, related supports and
2 services to students with disabilities are properly documented and implemented, and the goals and
3 objectives are being met, and that appropriate related supports and services are being provided.

4 (d) Have authority to inquire of, investigate, and review all documents from any school,
5 district, or special education department in this state. The advocate shall have access to all IEP
6 documents, 504 plans, related supports and services, treatment plans, progress reports, and report
7 cards of all students with disabilities.

8 (e) Have the discretion to review all documents relating to IEP documents, 504 plans,
9 related supports and services being provided to students throughout the state, and ensure that
10 proper documentation is being maintained by all schools and districts.

11 (f) Track metrics of the type of disagreements or complaints between a parent, guardian,
12 or caretaker of the student with disabilities and the district; the types of suspect disabilities, which
13 may uncover an unmet need in the education system; and the types of interventions and supports
14 required by a segment of children.

15 (g) Ensure protections and safeguards are provided to school staff. To this end, all
16 conversations between teachers, health professionals, and/or any school district personnel and the
17 advocate shall be deemed confidential and not subject to disclosure absent a court order.

18 (h) Implement measures to track and monitor district achievement, success, and
19 challenges in the implementation of IEPs, 504 plans, and related supports and services.

20 (i) Establish minimum compliance measures to ensure that copies of all relevant
21 documents which are discussed at any family meeting involving a student receiving services
22 pursuant to this chapter are given to the student's family at least 5 days in advance of any scheduled
23 meeting at which these documents are to be discussed.

24 (j) Investigate any retaliatory act alleged or committed by any administrator, school
25 district, state department, or other agency with the appropriate referrals to judicial departments or
26 agencies for action, and any and all complaints filed by a parent, guardian, or caretaker of student
27 with disabilities.

28 II. The advocate may appoint those assistants that may be deemed necessary whose powers
29 and duties shall be similar to those imposed upon the advocate by law and any other staff as is
30 deemed necessary. The duties of the assistants and other staff members shall be performed under
31 and by the advice and direction of the advocate.

32 III. All student records shall remain confidential and compliant with state and federal
33 privacy laws.

34 IV. The advocate shall not be held liable for any lack of compliance of an IEP or 504 plan.

35 V. All records or files of the advocate shall be readily available to any parent, guardian, or
36 caretaker of a student with disabilities to inspect and/or copy for purposes of any agency or judicial
37 proceeding.

1 186-C:39 Annual Report.

2 I. The advocate shall prepare a detailed report to the governor, the speaker of the house of
3 representatives, the president of the senate, the chairpersons of the house and senate education
4 committees, and the department of education advising on the status of services being provided to
5 students with disabilities and summarizing the work of the office of the advocate for special
6 education during the previous school year.

7 II. The annual report shall also include a summary of the parent complaints being filed
8 against schools by families in regard to these services. The complaints shall remain confidential and
9 shall not be made available to the public. For purposes of this section, the complaints are as to the
10 lack of compliance of IEP and 504 plans or the denial of eligibility and/or lack of services.

11 186-C:40 Evaluation of Process; Meeting Evaluation Form.

12 I. The department, in conjunction with the advocate shall develop a meeting evaluation form
13 to be provided to parents, guardians, and caretakers of students with disabilities. The meeting
14 evaluation form shall be provided to parents, guardians, and caretakers of students with disabilities
15 after every meeting with representatives from the school regarding a student with disabilities. The
16 department shall make this form available on its website.

17 II. The meeting evaluation form shall be designed to allow parents, guardians, and
18 caretakers of students with disabilities to provide feedback on their experience, understanding, and
19 level of satisfaction with the processes involving IEPs, 504 plans, and related supports and services.
20 The meeting evaluation form shall also include sample or suggested questions that may be asked by
21 parents, guardians, and caretakers during this process. Schools shall ensure that any parents,
22 guardians, and caretakers of students with disabilities are given meeting evaluation forms in a
23 language understood by the person receiving the form.

24 III. Persons receiving the meeting evaluation forms shall be encouraged to return those
25 forms to the issuing school within 10 days upon receipt and may provide a copy of the meeting
26 evaluation form to the advocate. Copies of the completed meeting evaluation forms shall be retained
27 in the student's file, and shall also be distributed to the school's special education team chair or
28 department head, as applicable, and to the school district's director of special education. Schools
29 shall review the forms and shall respond appropriately, if necessary.

30 IV. Meeting evaluation forms shall not be deemed to be public records pursuant to RSA 91-
31 A.

32 V. The meeting evaluation forms shall inquire regarding:

33 (a) Whether documents received by the family related to special education services were
34 given in a timely manner;

35 (b) The quality of the student's special education team interaction with the parents;

36 (c) The family's level of confidence in the school or district's explanation, development,
37 and implementation of the IEP, 504 plan, or related supports and services;

SB 381-FN-A - AS INTRODUCED

- Page 4 -

1 (d) The family's level of confidence in the collaboration with their student's team
2 members;

3 (e) The family's satisfaction level that their voices were heard and that the family's
4 concerns were recognized by the district; and

5 (f) The family's level of confidence that there are avenues to address any concerns or
6 complaints the family may have in the future regarding their student.

7 VI. Each school district shall provide written notification which shall be distributed to the
8 family at the time a student with disabilities is referred to special education, in conjunction with the
9 meeting evaluation form.

10 2 Appropriation. There is appropriated the sum of \$500,000 to the advocate for special
11 education for the biennium ending June 30, 2023 for the payments of the salaries of the staff and for
12 payment of office expenses and other actual expenses incurred by the office of the advocate for
13 special education in the performance of their duties. The governor is authorized to draw a warrant
14 for said sum out of any money in the treasury not otherwise appropriated.

15 3 Effective Date. This act shall take effect 30 days after its passage.

**SB 381-FN-A- FISCAL NOTE
AS INTRODUCED**

AN ACT establishing an office of the advocate for special education.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$500,000	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill establishes an Office of the Advocate for Special Education administratively attached to the Department of Administrative Service and creates the position of Advocate for Special Education. The position would be responsible for advocacy, coordination and be the point of contact for parents, guardians and caretakers of children with disabilities. The Advocate position may also appoint assistants and other staff members to the office. The bill appropriates \$500,000 to the Advocate for Special Education, for the biennium ending FY 2023, for the payments of salaries of staffing and other office or actual expenses incurred by the office. Lastly, the bill adds a new requirement for the Department of Education and new monitoring requirements for school districts.

The Department of Education states there would be no impact on their budget. However, the new monitoring requirements for schools could result in an indeterminable impact on local expenditures.

The Department of Administrative Services states the fiscal impact is an indeterminable impact on State expenditures. The Department assumes, with agreement from the agency, the agency shall pay the Department on a cost allocation basis for budgeting, record keeping and related administrative and clerical assistance per RSA 21-G:10, II(a). The Department also states the fiscal impact is unknown as they are unable to determine if the appropriation would

cover the full costs, if needed, for office space, the salary of the new advocate, as well as additional personnel costs. They also note there is no appropriation to cover the out years. Lastly, the Department is unable to determine if this newly established office would result in the need for additional staffing from the Department to perform tasks in addition to the work that it currently performs.

It is assumed the fiscal impact would not occur until FY 2023.

AGENCIES CONTACTED:

Department of Education and Department of Administrative Services