

LEGISLATIVE COMMITTEE MINUTES

SB381

Bill as Introduced

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

Explanation:

Matter added to current law appears in ***bold italics***.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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;

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
<i>Funding Source:</i>	<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

**SB 381-FN-A FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2022-1857h)**

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COMMITTEE: Education **OTF S-O CONSENT**

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SB 381-FN-A - AS INTRODUCED

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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;

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 Office of the Child Advocate; Reference to Education Deleted. Amend RSA 21-V:2, II(c) to read
11 as follows:

12 (c) Ensure that children placed in the care of the state or receiving services under the
13 supervision of an agency in any public or private facility, receive humane and dignified treatment at
14 all times, with full respect for the child's personal dignity, right to privacy, and right to adequate and
15 appropriate healthcare [~~and education~~] in accordance with state and federal law.

16 3 Office of the Child Advocate; Access to Information and Facilities; Reference to Education
17 Deleted. Amend RSA 21-V:4, I(a) to read as follows:

18 (a) All case records, all third party records, including the healthcare [~~and education~~]
19 records of any child receiving services from an executive agency, and all records submitted to the
20 courts.

21 4 Appropriation. There is appropriated the sum of \$500,000 to the advocate for special
22 education for the biennium ending June 30, 2023 for the payments of the salaries of the staff and for
23 payment of office expenses and other actual expenses incurred by the office of the advocate for
24 special education in the performance of their duties. The governor is authorized to draw a warrant
25 for said sum out of any money in the treasury not otherwise appropriated.

26 5 Effective Date. This act shall take effect 30 days after its passage.

SB 381-FN-A- FISCAL NOTE
 AS AMENDED BY THE HOUSE (AMENDMENT #2022-1857h)

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

CHAPTER 316
SB 381-FN-A - FINAL VERSION

4May2022... 1857h
05/26/2022 2011CofC

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.

CHAPTER 316
SB 381-FN-A - FINAL VERSION

4May2022... 1857h
05/26/2022 2011CofC

22-3096
10/05

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:

1 316:1 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.

CHAPTER 316
SB 381-FN-A - FINAL VERSION
- Page 2 -

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

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

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

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

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

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

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

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

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

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

34 III. All student records shall remain confidential and compliant with state and federal
35 privacy laws.

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

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SB 381-FN-A - FINAL VERSION
- Page 3 -

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

4 186-C:39 Annual Report.

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

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

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17 evaluation form shall be provided to parents, guardians, and caretakers of students with disabilities
18 after every meeting with representatives from the school regarding a student with disabilities. The
19 department shall make this form available on its website.

20 II. The meeting evaluation form shall be designed to allow parents, guardians, and
21 caretakers of students with disabilities to provide feedback on their experience, understanding, and
22 level of satisfaction with the processes involving IEPs, 504 plans, and related supports and services.
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24 parents, guardians, and caretakers during this process. Schools shall ensure that any parents,
25 guardians, and caretakers of students with disabilities are given meeting evaluation forms in a
26 language understood by the person receiving the form.

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

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

34 A.

35 V. The meeting evaluation forms shall inquire regarding:

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

CHAPTER 316
SB 381-FN-A - FINAL VERSION
- Page 4 -

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

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

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

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

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

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12 meeting evaluation form.

13 316:2 Office of the Child Advocate; Reference to Education Deleted. Amend RSA 21-V:2, II(c) to
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15 (c) Ensure that children placed in the care of the state or receiving services under the
16 supervision of an agency in any public or private facility, receive humane and dignified treatment at
17 all times, with full respect for the child's personal dignity, right to privacy, and right to adequate and
18 appropriate healthcare [~~and education~~] in accordance with state and federal law.

19 316:3 Office of the Child Advocate; Access to Information and Facilities; Reference to Education
20 Deleted. Amend RSA 21-V:4, I(a) to read as follows:

21 (a) All case records, all third party records, including the healthcare [~~and education~~]
22 records of any child receiving services from an executive agency, and all records submitted to the
23 courts.

24 316:4 Appropriation. There is appropriated the sum of \$500,000 to the advocate for special
25 education for the biennium ending June 30, 2023 for the payments of the salaries of the staff and for
26 payment of office expenses and other actual expenses incurred by the office of the advocate for
27 special education in the performance of their duties. The governor is authorized to draw a warrant
28 for said sum out of any money in the treasury not otherwise appropriated.

29 316:5 Effective Date. This act shall take effect 30 days after its passage.

Approved: July 01, 2022
Effective Date: July 31, 2022

Committee Minutes

SENATE CALENDAR NOTICE

Education

Sen Ruth Ward, Chair
Sen Erin Hennessey, Vice Chair
Sen Denise Ricciardi, Member
Sen Jay Kahn, Member
Sen Suzanne Prentiss, Member

Date: December 28, 2021

HEARINGS

Tuesday	01/25/2022	
(Day)	(Date)	
Education	Legislative Office Building 101	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	SB 381-FN-A	establishing an office of the advocate for special education.
9:15 a.m.	SB 238	relative to special education services in chartered public schools.
9:30 a.m.	SB 394-FN	relative to the definition of a child with a disability under special education laws.
9:45 a.m.	SB 426-FN	relative to the adequate education grants for fiscal year 2023.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 381-FN-A

Sen. Reagan

Sen. Avard

Sen. Sherman

SB 238

Sen. Ward

Sen. Hennessey

Sen. Ward

Rep. Spillane

Sen. Gray

Sen. Bradley

Sen. Rosenwald

Rep. Hobson

Sen. Watters

Sen. Gannon

SB 394-FN

Sen. Kahn
Sen. Prentiss

SB 426-FN

Sen. Kahn
Sen. Whitley
Rep. Myler

Sen. Ward
Sen. Watters

Sen. Sherman
Sen. Prentiss
Rep. Heath

Sen. Sherman
Sen. Perkins Kwoka

Sen. Watters
Sen. Rosenwald
Rep. Leishman

Sen. Whitley
Sen. Soucy

Sen. Perkins Kwoka
Rep. Ames

Ava Hawkes 271-3266

Ruth Ward
Chairman

Senate Education Committee

Ava Hawkes 271-3266

SB 381-FN-A, establishing an office of the advocate for special education.

Hearing Date: January 25, 2022

Time Opened: 9:00 a.m.

Time Closed: 10:42 a.m.

Members of the Committee Present: Senators Ward, Hennessey, Ricciardi, Kahn and Prentiss

Members of the Committee Absent : None

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

Sponsors:

Sen. Reagan

Sen. Hennessey

Sen. Bradley

Sen. Watters

Sen. Avarad

Sen. Ward

Sen. Rosenwald

Sen. Gannon

Sen. Sherman

Rep. Spillane

Who supports the bill: 78 people signed in support of this bill. Sign-in sheets are available upon request.

Who opposes the bill: Sarah Woodbury, Michelle Wangerin (NHCLA), Moira O'Neil (OCA)

Who is neutral on the bill: Rebecca Fredette (NHDOE), Jane Bergeron, Catherine W., Megan Tuttle (NEA-NH), Timothy McKernan (ABLE-NH), Bonnie Dunham

Summary of testimony presented:

Senator John Reagan - Senate District 17

- Senator Reagan introduced SB 381.
- This past year, the legislature successfully passed SB 581 which shifted the burden of proof in IEP proceedings from the parent to the school district.
- He chaired the study committee which resulted from SB 581.
- The study committee heard testimony from dozens of parents who were unhappy with the availability of services that their children are legally entitled to. They heard school districts did not fulfill their responsibilities due to financial reasons.

- They heard that school districts retained legal services until parents gave up in the process.
- He has also asked that the LBA perform an audit of the special education system. They are in the process of developing the scope statement of that audit which is expected to be extensive.
- This bill establishes an office for the Advocate of Special Education. This bill is designed to result in an independent agency, probably through the Department of Administrative Services.
- The advocate's task will be to find out the state of services available to the children and parents of special needs children.
- Senator Hennessey thanked Senator Reagan. Senator Hennessey asked if he considered putting this under the purview of the Office of the Child Advocate (OCA.)
 - Senator Reagan said he has been asked this question. However, in the dozens of testimonies from parents, he never heard that the OCA helped these parents. He only heard from the OCA requesting involvement. He questions where the OCA has been over the years and why they have not helped parents in the past.
- Senator Kahn also thanked Senator Reagan. Senator Kahn asked about the timing of the audit and when it will occur.
 - Senator Reagan said he expects we might see the scope in March 2022. It will impact future legislation concerning the IEP process. This data may be of assistance in the House, however, it won't happen in February as they are in the interview process right now to establish the scope.
- Senator Kahn asked Senator Reagan about the functions listed in the bill as they look quite extensive. Senator Kahn asked if he used the OCA charge to model this.
 - Senator Reagan said it has come up; this role will take an ambitious and energetic person to fulfill these duties.
- Senator Ward said it became obvious that parents need someone to speak for them during the testimony on SB 581 from last year.

Jane Bergeron – Executive Director, NH Association of Special Education Administrators

- They have not taken a position on this bill.
- Currently, NHDOE has a process to oversee and investigate special education complaints in all of our school districts.
- There is no real evidence that this process is significantly flawed or inadequate.

- Additionally, the IDEA requires that the state ensure that all IDEA requirements are met. Therefore, the IDEA is built on the assumption that the NH Association of Special Education Administrators (NHASEA) will enforce all special education rules and regulations.
- From their lens, NHDOE lacks resources.
- Currently, only one position is fully funded by NH. All other positions are federally funded.
- Their association would ask that the resources allocated in this bill be allocated to the NHDOE and the bureau of special education to ensure that they can complete their work.
- They have questions about the Family Education Rights and Privacy Act (FERPA) as it applies to educational agencies that receive funds from the USDOE, such as how an independent office would fall under that category.
- They also have questions about the lack of definition of students with disabilities in this bill. Left undefined, this bill would be opened up to 504 students, which would significantly increase the expectation.
- Several other questions are listed in their written testimony submitted to the Committee.
- They asked for further clarity on the definition of a family meeting in this bill and if that would extend to an IEP meeting.
- The NH special education rules already require that an evaluation report be discussed at a meeting and it must be disclosed with the parents at least five days in advance.
- This statute would require any document discussed at a meeting be disclosed at least five days in advance and does not allow a parent to waive that right. This is not practical.
- As written, the advocate has a right to investigate any and all claims of retaliation. They have questions and concerns about what kinds of complaints can be filed.
- There is no mechanism in this bill to ensure that investigations are accurate or fair. It also does not authorize rulemaking to ensure that decisions are accurate or fair.
- This bill does not require the advocate or the advocate's employees to have any experience in special education, special education law or conducting investigations.
- This bill assumes that the accusation at hand actually occurred. This bill should authorize investigations into *alleged* retaliatory acts.
- There is no statute of limitations in this bill.

- This bill duplicates what the NHDOE is already required to do.
 - They recognize and value the engagement of families and parents in this process, as well as the work of NHDOE.
 - Senator Hennessey asked Ms. Bergeron who NHASEA members are and if they are NH special education teachers.
 - Ms. Bergeron said they are the leaders of special education, from school administrators to school psychologists to building coordinators from private schools to public special education schools.
 - Senator Hennessey asked Ms. Bergeron if every school has a special education administrator.
 - Ms. Bergeron said not every school, but every SAU has a form of an administrator. There are varying titles.
-
- Senator Kahn asked Ms. Bergeron her take on this bill influencing the new law and new procedures recently passed by the legislature (SB 581.)
 - Ms. Bergeron said that is a good point as to giving SB 581 time to actually take effect. They stay in contact with the special education bureau at NHDOE around parent complaints and concerns. She believes NHDOE could possibly share the numbers of complaints since the passage of SB 581.

Moira O'Neill - Child Advocate, Office of the Child Advocate

- They support the concept of this bill, however, they propose an amendment to limit the cost to the state and avoid duplicating mandates.
- The Office of the Child Advocate (OCA) is an independent agency mandated to provide oversight of state-arranged services to children and to promote children's best interests.
- Special education is routinely a cause of dissention in municipal budgets. This may be an influence on schools not aggressively meeting special education mandates.
- Among the approximately 300 children placed in institutional settings every year, the OCA has observed how many of those children's special education needs are shortchanged.
- Unmet special education needs often lead to out-of-home placement and/or adjudication for delinquency.
- Enhancing resources to access special education services is in children's best interest.

- It is also in the state's best interest to reduce substantial funds spent on children receiving expensive services such as institutional care.
- They recommend that this bill be amended to place this position in their independent office.
- Under RSA 21-V, the OCA already has jurisdiction over special education services.
- They do receive complaints about special education.
- Their office being a resource is not well known. This could be an effect of limited staffing for community outreach.
- They also lack the resident expertise in special education law.
- Thus far, they have been able to refer cases out-of-state with more expertise, however, those resources are also limited.
- By placing this new role in their office, it would bring expertise and extra manpower to reach families and effectively advocate for those families.
- Many children with complex special education needs are served by multiple systems, from developmental/behavioral health services to the juvenile justice system to child protective services.
- They already work with families who would benefit from the creation of this position.
- In her written testimony, the basic overhead costs and the considerable cost savings for the state are covered. The savings are approximately \$26,000. However, this does not include an administrative support position or additional legal counsel.
- Currently, their legal counsel spends a great deal of time on Right-to-Know requests, despite the OCA being generally exempt. The new Special Education Advocate position will probably encounter a similar level of requests.
- Consolidating such legal resources would preserve significant time for this new position.
- While their office is only four years old, they have been a valuable resource to children and families in many domains of children's services.
- As there is a need for more prevention services to minimize child protection and juvenile justice cases, the jurisdiction of the OCA was expanded over the last year to all children's services.
- They are still assessing the workload and staffing needs.
- Senator Kahn appreciates her work. Senator Kahn told Ms. O'Neill that he wants to understand the capacity of their office currently. Senator Kahn asked what the OCA's annual budget is.

- o Ms. O'Neill said she believes that their budget is around \$750,000 and a staff of 6.5 as of July 2021. There is a new position coming and they received two new positions after their jurisdiction was expanded.
- o With more of a focus on preventative services, it became clear that they needed to expand.
- o Helping children and families involved in special education services truly helps prevent involvement in child protection services and the juvenile justice system.
- o Students whose special education needs are not being met often times end up interacting with those systems. They are in the middle of building resources around special education within the OCA.
- Senator Kahn asked Ms. O'Neill about the \$500,000 transitional dollar amount in this bill. He asked for clarity around the cost savings noted in her written testimony and if there would be a \$475,000 addition to their budget.
 - o Ms. O'Neill said the \$26,000 is basic overhead.
 - o The cost associated with placing this new position under the OCA would really be the cost to salary this new position and the legal counsel they would need.
 - o Her office can get the committee a clearer number. She estimates that it would be half of what is in this bill.
 - o This is a really important point as resources are limited for children right now in our state. The overhead for a standalone agency seems somewhat wasteful as an agency already exists with a mandate to do that exact job.
 - o This is a really good opportunity to recognize a need and bring more resources to the OCA.
- Senator Kahn said it would be helpful to see a completed plan from the OCA. He expects to see three different proposals: one from NHDOE, one from the OCA and one from the independent office proposed under this legislation.

Marilyn Muller

- Exeter mother in support of this bill.
- Her daughter was a previously, functioning illiterate student.
- The systems currently in place failed her child. This begins with poor quality teacher training and credentialing programs in NH.
- Public teaching colleges fail to ensure teachers understand how the brain understands to read. It also fails to ensure that teachers adhere to federal

law related to providing an adequate education, particularly when offering special education services.

- Most teachers graduate college with worthless degrees. They set our teachers up for failure.
- These failures are further exacerbated by harmful instruction in our classrooms.
- She supports this bill under the presumption that the independent office will actually be independent and help NH families access services to ensure that children will receive a free, appropriate and public education that federal laws are supposed to guarantee.
- In Winter 2015, her family was forced to secure a private neurophysiological assessment for their daughter. They incurred personal expenses of \$3,500 to identify why their above average student struggled to learn, read and numerate.
- Their local school district continued to deny their request for help through kindergarten to 2nd grade. They were assured repeatedly that their daughter was fine.
- Her traumatic experiences make her believe there is an unquantifiable number of students in NH with invisible learning disabilities not receiving the services they need.
- After they secured an IEP, they made a number of good faith attempts to collaborate with her IEP team. Her daughter exhibited further declines while receiving special education services.
- Children's behavior is linked to their level of reading.
- They had to make a choice to place her daughter in a private special education school where she has to drive 700 miles a week. Over the last five years, they have paid over \$263,400 in tuition only.
- Most districts dismiss independent evaluations as opinion or hearsay. They do not let parents provide input in the IEP decision making process.
- Prior to SB 581 from last session, districts did not bear the burden of proof and there is no enforcement of compliance with federal regulation, as NH school districts self-report compliance to NHDOE.
- Most school districts have not undergone a forensic audit of their funding.
- She wonders how many NH families have children with special learning needs.
- If teachers are properly trained, most students needs can be served in general classrooms.

- These families would benefit from an independent office of special education outside of NHDOE.
- The scope of services to some children is broader than what is covered under the IDEA's definition.
- Many parents of children with IEPs and 504 plans are coerced by school districts into signing release forms to bill Medicaid.
- Often times, parents are coerced to sign NDAs.
- Local school boards, NHDOE, U.S. DOE and teachers' unions create an iron triangle.
- Parents sitting outside education's iron triangle, who actually figure things out, are ignored and discredited.
- She was raised to be a patriotic American who stands up for liberty and justice for all.
- Literacy is equity.
- The state's poor quality special education services are a social justice issue and a crisis.
- Statewide reading proficiency scores should reach 100% as it is attainable.
- This can be easily achieved by investing ARPA funds, state and local taxpayer dollars.
- She is happy to volunteer her time on this issue.
- Parents need an independent ally to achieve access to a free, appropriate and public education, which is our children's right.
- It is easier to build strong children than repair broken men. This is one of her favorite quotes by Frederick Douglass.
- Senator Kahn asked Ms. Muller what school district her child attended.
 - Ms. Muller said she would prefer not to say as parents are retaliated against. She has been to court to get protection orders against people who have threatened her.

Bonnie Dunham

- She supports the intent, however, there are areas for improvement.
- It is not possible for one position to complete all charges in this bill.
- For surveys, it would be best for them to be returned to an independent office as opposed to back to the schools as parents are afraid of retaliation. Surveys would help discover what is impeding parent involvement.

- There is lots of room for collaboration between organizations.

Christine Metzner

- She is a Rye resident.
- Supports this bill.
- Her experience with regard to her son's 504 plan and IEP demonstrates a need for a special education advocate.
- She brought a 3-inch binder that contained a great deal of documentation from her son's experience in trying to receive the required special education services.
- While the binder is quite large, this is only from one year of advocating for her son.
- They decided to homeschool her son as the process was so exhausting.
- At the age of 10, her son had a neuroimmune condition. His symptoms progressively got worse.
- In sixth grade, her son received a 504 plan.
- She is a lawyer by trade, however, it took her hours to understand the IEP process when reviewing current statute.
- They turned to advocates first for help, then, they hired a lawyer.
- Her son's psychologist attended a few meetings at the school when advocating for at-home tutoring due to her son's condition at the time. At that time, the school would not respond to her request for at-home tutoring.
- Once she hired a lawyer, and the school's lawyer was in attendance, her simple requests were granted. This was four weeks after her first request.
- The tutor came for two months. Her son had about 20 hours of home tutoring. That was the entirety of her son's education in the last six months of his public school education.
- Once the 504 plan and IEP process were completed, the lawyers made more money than the teachers, tutors, etc.
- In the fall, further at-home tutoring was not granted. Instead, her son was on a part time schedule.
- For the IEP process, they agreed to evaluations. However, 60 days passed and they never heard from evaluators. Following a request for an extension by the school, 30 more days passed with no evaluation.
- With this, the school kept indicating that they needed evaluations to allow continued at-home tutoring.

- Her son's psychologist was at 6 of the 9 IEP meetings, at her expense. Her lawyer and the school's lawyer were at 5 of the 9 meetings.
 - After all that, they decided to homeschool their son as the school was not listening to her input or her child's provider.
 - It felt like the school was kicking the can down the road.
 - She was shocked to learn how many students were being homeschooled as a result of the difficult 504/IEP process.
 - Parents and families need an independent office to turn to.
 - Even with a law degree, she had a difficult time understanding statute related to special education services that her child is entitled to.
 - Schools are spending more and more on legal fees. Her own SAU is trying to increase money for legal fees as they are seeing more advocacy.
-
- More and more, parents are reaching out to advocates because schools are becoming more difficult.
 - Special education directors require so much training and support from the law firms school districts retain, there should be no reason for them to hire lawyers for individual 504 plans and IEPs.
 - Instead of lawyering up, schools should be asking why so many people are asking for help.
 - Parents do not understand the process and they don't feel heard.
 - She believes this office should oversee 504 plans in addition to IEPs as there is so much overlap.
 - She agreed with a previous testifier on the need for surveys/evaluations to be sent the independent office of the advocate as opposed to schools to avoid retaliation.
 - After she homeschooled her son from 7th to 8th grade, his condition improved and he is now thriving in his sophomore year back in public school.

Patricia Eno

- She supports this bill.
- While NHDOE has the responsibility to do certain things, she feels that responsibility is not being met.
- Parents have the right to compel witnesses to a due process hearing for free.
- Parents should not have to figure out a summons process.
- If a hearing officer believes there should be witnesses, they should appear at no cost to the parent and should not result in undue burden to parents.

- These disputes can be very emotional and parties can endure uncivil behavior.
- If someone has had unprofessional conduct and is getting in the way of a student's fate, a due process hearing is the precisely the venue to bring that up.
- A school district, parent or eligible student should be able to request any alternative dispute resolution directly at any time.
- By asking the school district to bear in mind any pending deadlines, it allows them to kick the can down the road.
- The school has a right to say "no" to whatever dispute resolution process the parent chooses, however, this "no" should be part of the record.
- To help make the due process hearing public, the local educational agency should be responsible for accomplishing each item in a student's IEP.
- There shouldn't be a separate process to allow your child to appear.
- Parents should not be advised to not bring their child to these hearings as some parents do not have childcare.
- Children should be allowed to be a part of the process, especially if they are an older child.
- The written decision and due process guide should provide technical information on how to appeal a decision and the necessary contact information.
- She is a parent, not a lawyer.
- She is not supposed to need a law degree to help her son get a free and appropriate public education.
- She should be able to present her case at a fair hearing with the technical information being provided to her.
- A fair hearing would not include a post-hearing submission of up to 50 pages.
- This bill is needed as NHDOE is not meeting its responsibility to give parents the information they need to advocate for their kids.
- Senator Kahn asked Ms. Eno about her process and if she tried getting assistance from the NHDOE. If so, what was that experience.
 - o Ms. Eno said she did; it was a nightmare. She spoke with the manager of special education due process hearings and she mentioned her difficulty with subpoenas that she was granted.
 - o She was unaware that it was her responsibility to serve those subpoenas as that would not be free or appropriate.

- o That would require her to hire sheriffs in 6 different counties in two different states to serve those subpoenas.
- o She went to her due process hearing with no witnesses.
- There was also no place for her child to wait outside of the hearing with Wi-Fi for him to complete his schoolwork.

Shannon Bouchard

- Parents are in desperate need of a special education advocate.
- If this advocate currently existed, her 15-year-old daughter would not be at home, receiving no education, while she fights for an IEP.
- She has been fighting for an appropriate IEP for the past two years.
- She would have had help applying for the manifest education hardship award.
- She has been bounced from one organization to another to help her daughter.
- Due to her disability, she has a hard time retaining information.
- The school districts have a team of lawyers on their side, trained in special education laws. The special education coordinator/manager is also trained.
- It would be invaluable to have this impartial advocate for parents to ensure that a child's right to a free and appropriate education are being protected.
- Her daughter was unenrolled this year, from her district's placement, and has not received an education since.
- The reason for her daughter's unenrollment is due to their choice of placing her daughter in a resource room. She declined this resource room placement for her daughter as this is where her daughter's bullying began.
- She attempted to enroll her daughter in a private school and send the bill to the school district. Her case coordinator said that can only be done in a last case scenario situation. She believes her daughter missing a full year of education is a last resort.
- Senator Hennessey recommended that Ms. Bouchard reach out to the OCA. Ms. Bouchard said she did give Ms. O'Neill her email. In the years she has been advocating for her, she was never given information for the OCA.

Russan Chester

- She has no children in the school system currently.
- She used to work with special needs children and worked for DCYF for over 15 years.

- While she knows they are new, she has never heard of the OCA. She has spoken with various groups, departments and organizations throughout the state and this is the first time she's heard of the OCA.
- It is a travesty that we pay for resources like the OCA, but people do not know they exist.
- Ms. O'Neill has been working with NHDOE to educate the department on their role; that doesn't seem to be working.
- NHDOE is not meeting the needs of students or parents.
- The OCA is mostly working with children in institutional settings.
- They clearly have more resources than parents alone.
- We need to stand up for special needs children and their parents.

Maureen Tracy

- Merrimack resident who supports this bill and an independent office.
- She is a former special education teacher. She also taught undergrad at Franklin Pierce University.
- She is a mom of a disabled child.
- Over the last two years, she has opened a business to advocate for special education.
- Her and two other women have entered law school. This is due to the unfairness of schools having attorneys and parents not being able to find attorneys for families.
- Over the past two years, she has seen a huge decrease in accountability in following the law by school districts.
- If complaints are filed against schools, there is no IEP jail or fines. Sometimes there may be a slap on the wrist.
- Retaliation against families is real.
- She mainly advocates for issues around restraints and seclusion.
- Students and staff are feeling more anxious.
- Students who never had any behavior issues are now being restrained and secluded.
- Restraint and seclusion happens more in NH than one would think.
- There are padded rooms inside of most school buildings.

- When students experience fight or flight when they feel threatened, instead of the teachers having deescalating skills, the teachers then also respond with their fight or flight instincts.
- As a former higher education teacher, she knows that proper de-escalation is not taught.
- Her older daughter was a paraprofessional and was thrown into classrooms with children with the most difficult disabilities without any training. Thankfully, her daughter had experience with her sibling who had a significant disability.
- Teachers are trying, however, the system is broken.
- As a teacher, she was pushed out of a school district after complaining about a child being put into a seclusion room.
- She has seen students with bruises.
- She had one student who was restrained over 130 times in a school year. They have filed complaints and none of this gets really resolved.
- The OCA wouldn't have the capacity to handle special education and DHHS.
- Parents need an independent advocate.
- There are a lot of teachers who are whistleblowers. Teachers do not like what is going on but they want to keep their jobs. This choice is a reality.
- She has worked in schools for over 20 years.
- Senator Kahn asked Ms. Tracy if she ever served as an advocate for families who seek special education hearings.
 - o Ms. Tracy said they are starting to do that right now as they have not done it in the past.
 - o Due to the statutory change of burden of proof, they are starting to help with that now.
 - o She has been looking for pro bono attorneys as this can be very cumbersome; they are working on this for two of her families right now due to the severity of their cases.

Rebecca Fredette - Director of Special Education, NH Department of Education

- They made themselves available to answer questions. The department is not taking a position.
- She did attend all the study committee meetings, which resulted from SB 581 from last session.

- The department heard parents' concerns and brought them back to the bureau.
- They have been looking at their monitoring system to see if they are doing enough.
- As she came on board two years ago, the revamping process has been slowed with COVID-19.
- They've heard more and more about the need to provide more supports to parents. While they have access to the parent information center, which is federally funded, it became clear there needs to be more supports for parents.
- There are many things in the bill that the department is already required to provide.
- They take complaints, complete required monitoring, provide technical assistance to school districts and parents, and track all disagreement and complaint investigations through Attorney Fenton's office.
- There is one person assigned to receive all special education complaints. She takes all calls and provides assistance with the process.
- Steven Berwick assists with the due process hearings side of this process.
- They implement and track district achievement and success; there are 17 indicators of success that they report to the federal government.
- They deal with least restrictive environments, the IEP process, etc.
- They establish minimum compliance measures that school districts must meet.
- In the past, the process was limited to 6 districts per year based on a risk rubric.
- When she started two years ago, she found that the department only monitored a small group of districts.
- They had not monitored 122 of 175 districts in five years. They realized that was an issue.
- She is a parent of a special education child and understands parents who feel they need something more.
- She would not be opposed to some features of this bill, however, she has concerns about the duplicative nature.
- NHDOE would be required to do this work as well as the new advocate. This would result in school districts being required to fulfill two processes.
- If they could fine tune their process more, she believes the department can alleviate some of the concerns expressed on this issue.

- While the OCA is working with NHDOE, the OCA has not worked with her office directly. She can reach out and start to work with them.
- There are different parameters for 504 plans in conjunction with the IDEA process.
- Senator Hennessey asked Ms. Fredette about the duplicative nature of this bill. Senator Hennessey used the example of the 15-year-old student that has not been in school once this year. She asked if the department ever tells a school district that they need to meet the needs of a student or do they simply direct them to the due process hearing process.
 - Ms. Fredette said their point person, Natasha Lupiani, connects and communicates with parents, reaches out to school districts, and works to sort out the facts of the situation.
 - Then, Ms. Lupiani provides any available resources and can inform a school district of their responsibility to be meeting the needs of a special education student. Ms. Lupiani can and has reached out to Ms. Fredette when this escalation is necessary.
- Senator Kahn asked Ms. Fredette if they keep track of the number of due process hearings and asked what the volume is.
 - Ms. Fredette said the hearings are tracked through Attorney Fenton's Office.
 - There has not been an increase in complaints since the passage of SB 581 last year.
- Senator Kahn confirmed that it may be a little early to tell if there is an increase in complaints since SB 581 just passed this past summer. He said there is clearly a concern about the hearing process and cases taking a long period of time to resolve. Ms. Fredette agreed.
 - Ms. Fredette said Ms. Fenton can provide this information to the committee.
- Senator Kahn said if they were to go forward with this bill, the committee would need to better understand the timeline and caseload.
- Senator Kahn asked about the slim resources within NHDOE.
 - Ms. Fredette said she can elaborate. There is an Office of Governance, which is overseen by Commissioner Edelblut, where Ms. Lupiani receives the complaints. This office is funded through federal dollars for IDEA.
 - In her bureau, they have one position which is fully funded with state funds. Her position is partly funded with state funds. The remaining positions they have are funded through IDEA federal funds.

- o If they are to increase monitoring and their responsibilities, they would need to add more staff to their bureau.
- o They have three offices in their bureau: the Office of Training and Monitoring, the Office of Data and Finance Management, and the Office of Special Programs.
- o The Office of Special Programs oversees grants and other programs.
- o Their monitoring staff currently only consists of 7. They are looking to expand.
- Senator Kahn asked Ms. Fredette if the department has made a request to bolster these concerns and address the need for resources. Ms. Fredette said they have not.
- Senator Kahn said it would be helpful to see the bureau's organizational chart. Ms. Fredette said she would send the chart to the committee.
- Senator Ward asked Ms. Fredette about monitoring school districts to see if they are following the guidelines. Senator Ward asked what their enforcement measure is.
 - o Ms. Fredette said, by law, school districts have to correct issues within one year. Then, the bureau follows-up to see if they've changed their practice. For example, if they found a school district was not implementing an IEP correctly, they would follow-up by looking at another student's IEP to ensure that the district corrected their practice.
 - o If they did not correct their practice, there would be more intensive monitoring as there are different levels.
 - o They can withhold federal funds as a way to correct behavior.
- Senator Ward said it seems like a year is a long time to wait to correct an issue.
 - o Ms. Fredette said that is the timeline they are given.
 - o She said the bureau does not typically take the full year. She said they would be back in the school district within 60-90 days.
- Senator Ward asked Ms. Fredette if federal funds are withheld, that would impact other special education students in the district.
 - o Ms. Fredette said yes, it would impact the IDEA special education funds throughout the district.
 - o They would not want to withhold funds. Ideally, the bureau would want to work with the district's superintendent to come up with a plan.

Kate Shea

- She supports this bill.
- She recently took three of her four boys out of public school. It was not good for her physical or mental health.
- She has testified several times before Senate and House Education.
- Parents reach out to her constantly as they desperately need help. She feels it is her obligation to step up and help.
- We need this independent office more than ever during the COVID-19 pandemic, especially for students who are marginalized.
- Kids are not getting the support and services they need due to this broken process.
- There are OCR and due process processes in place, but they are broken.
- Parents basically have to be lawyers and go up against Goliath.
- This broken process is not doing any favors for teachers either. She supports teachers as a number of her family members are teachers.
- The one-year timeline does ring true, however, parents and their children do not have that kind of time.
- Teaching your child by eight years old creates a foundation. The foundation for these kids is being obliterated.
- As a parent advocate, she has seen the real retaliation against families and consequences for speaking up.
- This community is reaching out to each other and trying to help one another.
- There is a petition circulating, with over 700 signatures, demanding a change to this broken system. She believes there are so many more struggling than those who signed the petition.
- By not fixing this broken process, we are wasting our time and taxpayer dollars.
- This broken process creates a future of dependent citizens in our state. Later, these adults will need and depend on public resources.
- This is not a money problem, but a process problem.
- It should not take a year to solve these problems. If she gave that timeline at her job, she would be fired.
- Proficiency levels in our state are 13% for math and 17% for reading.

- Her two sons are doing VLAX and learning things in nature. That is true learning.
- By not acting, we are dooming these kids to a future of dependency.
- The most vulnerable children are in the special needs community; they are smart, have hope and promise.

amh

Date Hearing Report completed: January 26, 2022

Speakers

Senate Education Committee SIGN-IN SHEET

Date: 01/25/2022 Time: 9:00 a.m.

SB 381-FN-A AN ACT establishing an office of the advocate for special education.

Name/Representing (please print neatly)

	Support	Oppose	Speaking?	Yes	No
✓ Sen John Reagan	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Jane Bergeron	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
- Catherine Reshad	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
- Megan Tuttle - NEA NH	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ Bonnie Durham <i>Support intent but not bill as written</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Rebecca Fredette - Technical Support	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
✓ Rossan Chester <i>signed in twice self</i>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
✓ Maura O'Neill / Child Advocate	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Marilyn Muller	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Senate Education Committee SIGN-IN SHEET

3

Date: 01/25/2022 Time: 9:00 a.m.

SB 381-FN-A AN ACT establishing an office of the advocate for special education.

Name/Representing (please print neatly)

<i>Kate Sheeh</i>	Support <input checked="" type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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	Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Senate Remote Testify

Education Committee Testify List for Bill SB381 on 2022-01-25

Support: 71 Oppose: 2

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Watters, Senator David	An Elected Official	Myself	Support
Ward, Senator Ruth	An Elected Official	Senate District 8	Support
Hennessey, Sen. Erin	An Elected Official	Myself	Support
Rosenwald, Cindy	An Elected Official	SD 13	Support
Gannon, Senator Bill	An Elected Official	SD 23	Support
Avard, Senator Kevin	An Elected Official	SD 12	Support
Pauer, Eric	A Member of the Public	Myself	Support
Ryan, Moira	A Member of the Public	Myself	Support
Ryan, Thomas	A Member of the Public	Myself	Support
Ryan, Maryann	A Member of the Public	Myself	Support
Ryan, Jack	A Member of the Public	Myself	Support
Hoyt, Sandta	A Member of the Public	Myself	Support
Bouchard, Shannon	A Member of the Public	Myself	Support
Walbridge, Tracy	A Member of the Public	Myself	Support
Bradley, Senator Jeb	An Elected Official	SD3	Support
Symms, Jane	A Member of the Public	Myself	Support
Carter, Jaime	A Member of the Public	Myself	Support
Clock, Michele	A Member of the Public	Myself	Support
Hoyt, Sandra	A Member of the Public	Myself	Support
Lensink, Carrie	A Member of the Public	my children and myself	Support
Provencher, Kristina	A Member of the Public	Myself	Support
Hussey, Heather	A Member of the Public	Myself	Support
LITTLEFIELD, SHANNON	A Member of the Public	Myself	Support
Lawless, Barbara	A Member of the Public	Myself	Support
Tsai, Jennie	A Member of the Public	Myself	Support
Spinney, Catherine M	A Member of the Public	Myself	Support
Travers, Ann	A Member of the Public	Myself	Support
Levesque, Andrea	A Member of the Public	Myself	Support
Cushing, KJ	A Member of the Public	Myself	Support
Austin, Lorna	A Member of the Public	Myself	Support
Neville, Betsey	A Member of the Public	Myself	Support
perencevich, ruth	A Member of the Public	Myself	Support
Foster, Deb	A Member of the Public	Myself	Support
Petrusewicz, Carol	A Member of the Public	Myself	Support
Torpey, Jeanne	A Member of the Public	Myself	Support
Lucas, Janet	A Member of the Public	Myself	Support
Cevasco, Karin	A Member of the Public	Myself	Support
Talbot, Karen	A Member of the Public	Myself	Support
Wright, Jessica	A Member of the Public	Myself	Support
Muller, Marilyn	A Member of the Public	Myself	Support
Hebert, Amber	A Member of the Public	Myself	Support
Zajano, Emily	A Member of the Public	Myself	Support
Wilke, Mary	A Member of the Public	Myself	Support
Ferner, David	A Member of the Public	Myself	Support
Englund, Alfrieda	An Elected Official	Myself	Support
Zaenglein, Barbara	A Member of the Public	Myself	Support
Zaenglein, Eric	A Member of the Public	Myself	Support

Aronson, Laura	A Member of the Public	Myself	Support
Sherman, Senator	An Elected Official	SD24	Support
Bollerud, kathleen	A Member of the Public	Myself	Support
Campbell, Karen	A Member of the Public	Myself	Support
Schmitt, Megan	A Member of the Public	Myself	Support
Sweet, Roger and Ann	A Member of the Public	Myself	Support
Bracy, Sue	A Member of the Public	Myself	Support
Rettew, Annie	A Member of the Public	Myself	Support
Weeden, Amanda	A Member of the Public	Myself	Support
Cordelli, Rep Glenn	An Elected Official	Myself	Support
Willing, Maura	A Member of the Public	Myself	Support
Benard, Patrice	A Member of the Public	Myself	Support
Hambleton, Stephen	A Member of the Public	Myself	Support
Frayse, Michael	A Member of the Public	Myself	Support
Richman, Susan	A Member of the Public	Myself	Support
Murphy, Hon. Nancy A	A Member of the Public	Myself	Support
hatch, sally	A Member of the Public	Myself	Support
Ellermann, Maureen	A Member of the Public	Myself	Support
Brennan, Nancy	A Member of the Public	Myself	Support
Malsbenden, Kathleen A.	A Member of the Public	Myself	Support
Hennighausen, Virginia	A Member of the Public	Myself	Support
M Blake, Karen	A Member of the Public	Myself	Support
Gildersleeve, Darlene	A Member of the Public	Myself	Support
Pettengill, Amy	A Member of the Public	Myself	Support
Woodbury, Sarah	A Member of the Public	Myself	Oppose
Wangerin, Michelle	A Lobbyist	New Hampshire Legal Assistance	Oppose
McKernan, Timothy	A Member of the Public	ABLE NH	Neutral

Testimony



N.H Association of Special Education Administrators

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

January 24, 2022

Senator Ruth Ward, Chair
Senate Education Committee
NH State House
Concord NH 03301

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

Dear Senator Ward and members of Senate 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 educational 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.

- o 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



State of New Hampshire



Moira O'Neill
Child Advocate

Office of the Child Advocate

**Testimony of
Moira O'Neill, PhD
Child Advocate
before
The New Hampshire Senate Education Committee
January 25, 2022**

Good morning, Madam Chair Ward, Vice Chair Hennessey, and esteemed members of the Senate Education Committee. My name is Moira O'Neill, the Child Advocate for the State of New Hampshire. The Office of the Child Advocate (the Office) is an independent agency mandated to provide oversight of state and state-arranged services to children and to promote children's best interest. Thank you for the opportunity to speak to you today about **SB 381-FN-A establishing an office of the advocate for special education**. We support the concept of investing in a resource for special education, however **we propose an amendment to limit cost to the state and avoid creating a duplication of mandates with the Office of the Child Advocate**.

SB 381-FN-A would establish an office of the advocate for special education which shall be an independent agency, administratively attached to the department to administrative services under the direction of the advocate for special education.

The Office is grateful to Senator Reagan and the bill's co-sponsors for recognizing the needs of many children and families that are not consistently being addressed by school districts as they should. Special education is routinely a cause for dissention in the contemplation of municipal budgets. That may be an influence on schools not aggressively meeting special education mandates. 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 children 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 to for optimal development. It is also in the State's interest to reduce substantial funds spent on children receiving expensive deep end services such as institutional care.

To best meet children's needs we recommend **SB 381-FN-A be amended to place the Special Education Advocate in the independent Office of the Child Advocate**. The primary reason for this is that the Office of the Child Advocate, under RSA 21-V, already has jurisdiction over special education services. We may and do receive complaints about special education. Senator Reagan points out correctly, and recent community focus groups and interviews confirmed, that the Office as a resource for special education concerns, is not well known. This shortcoming is viewed as an effect of limited staffing 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.

It would also be less confusing for families to have a one door for assistance navigating systems and advocating for their children. 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. Creating one door for child and family assistance in the Office of the Child Advocate would serve families well and situate the Special Education Advocate with in-house supports and expertise in these other specialty areas.

Placing the Special Education Advocate in the Office of the Child Advocate would save the State considerable funds. For your information, I have provided the very basic overhead costs for the Office of the Child Advocate. They represent a potential savings of approximately \$26,000. This does not include an administrative support position for Office operations or additional legal counsel. I am sorry to say that the Associate Child Advocate, who is also the Office's legal counsel, spends a considerable amount of time on right to know requests, even despite the Office of the Child Advocate being generally exempt. I would imagine that the Special Education Advocate would encounter those requests as well, for which in-house counsel would be necessary. Consolidating that resource alone would preserve significant time for the Special Education Advocate to attend to the mandate of assisting children and families with accessing special education.

Basic costs associated with overhead of a separate agency

Class	Class Name	Expenses	SFY23 OCA Budget
020	Current Expenses	Office Supplies- consumables	\$2,423.00
027	Transfers to DoIT	License fees, IT Support, infrastructure work	\$7,362.00
028	Transfers to General Services	Rent, water, electric, grounds, maintenance	\$16,429.00
			\$26,214.00

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-FN-A 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.

Ava Hawkes

From: Jane Symms <janesymms6_1@yahoo.com>
Sent: Sunday, January 23, 2022 12:49 PM
To: Ruth Ward; Erin Hennessey; Jay Kahn; Denise Ricciardi; Suzanne Prentiss; Ava Hawkes
Cc: Tracy Walbridge
Subject: Bill

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning I want you all to know that I support bill SB381. Thank you

Jane Symms

Ava Hawkes

From: Michelle Wangerin <MWangerin@nhla.org>
Sent: Tuesday, January 25, 2022 10:45 AM
To: Ruth Ward; Erin Hennessey; Jay Kahn; Denise Ricciardi; Suzanne Prentiss; Ava Hawkes
Subject: SB 381

Dear Chairman Ward and Honorable Members of the Committee:

Unfortunately I was unable to attend the public hearing on Senate Bill 381 in person, but am writing to follow up and clarify my opposition to SB 381. Briefly, New Hampshire Legal Assistance fully supports the concept of this bill. As the Youth Law Project Director, I regularly advocate for and represent low income parents in special education disputes. Through this work, I know first hand the tremendous struggles parents experience accessing necessary special education resources for their children. However, I am concerned that the bill as written lacks appreciation for of the limitations of a small office with limited resources.

I have been intimately involved with the Office of the Child Advocate (OCA) since its inception, until recently serving on the commission overseeing the office. In four short years, the OCA has made a tremendous impact on the juvenile justice and child welfare systems, both supporting individual families and highlighting system defects that require further attention. It has tirelessly engaged with agency and non-profit stakeholders, families, and youth, resulting in impactful system reform, including the passage of SB94 last year.

Over the past four years the OCA has developed the infrastructure and the skills to oversee and facilitate change within large and complex state agencies. Rather than try to reinvent the wheel and create a parallel state agency, I believe the state's limited resources would be much better served by capitalizing on this infrastructure and providing targeted resources to the OCA to accomplish the objectives set forth in SB 381. I urge the committee to work with the OCA to amend this bill to accomplish these objectives.

Sincerely,

Michelle Wangerin

Michelle Wangerin, Esq.
Youth Law Project Director
New Hampshire Legal Assistance
154 High Street
Portsmouth, NH 03801
603-206-2230 (Direct)
1-800-722-0271 (Fax)
www.nhla.org

Pronouns: she/her/hers

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Ava Hawkes

From: Shannon Marie Bouchard <sbouchard92@yahoo.com>
Sent: Tuesday, January 25, 2022 2:58 PM
To: Ava Hawkes; Glenn Cordelli; John Reagan; Edelblut, Louis (Frank);
governorsununu@nh.gov; Elliot.W.Gault@nh.gov; Moira Ryan; Holly Carman; Marilyn
Muller; Banfieldannmarie@gmail.com; Tracy Walbridge
Subject: Sb381

Dear Senators. Thank you for the opportunity to testify in support of SB-381 today. Here is additional information on the struggles that my daughter and I have experienced since being granted the Manifest Educational Hardship. I read the testimony in my brief version. Here is the rest of the story.

I appreciate you reading the whole story since being granted the MEH in August of 2020. My 15 year old daughter is home receiving no education at all.

I have been bounced from one organization like DRC and PIC with little help.

I am disabled with multiple sclerosis and diagnosed over twenty years ago and my brain has lesions which makes retaining and understanding information extremely difficult. I feel that having a place I could go knowing they too had my daughter's best interest at heart is invaluable to me and other parents in this state.

The districts have a team of lawyers on their side and are also specifically trained in special Education law themselves.

It would be invaluable to have a special education advocate for the parents and special needs children that is not tied to the districts themselves. I would be protected and helped by someone that I knew was protecting all my daughters rights for a free appropriate public education.

With my daughter who has a language based disability and ADHD as well as anxiety and depression. I was relying on the district to be doing the things she needed. I had no idea that they had very little if any oversight on being in compliance with the federal and state laws.

After finishing the elementary school and starting in the middle school all Special education classes are being held in a learning center / skills lab or resource room and I was originally informed it was state law for this. I had no reason to doubt the special education team. she was harassed and bullied while accessing her special education in this setting. They were aware because during the 6th grade reevaluate for 7th grade I put her in the (504 plan hoping to stop the bullying and harassment even though I knew she needed the services and qualified I just wanted her to be able have the harassment stop. She had to be retested and in 8th grade she was put right back on the iep as she needs these services to get her education.

Special needs students are also not really getting the services if they are responsible for using that time to fill out logs for themselves on the instructional minutes in special education. They are in a study hall type classroom with many other special education students.

How much actual individual instruction time is actually being given. These predetermined settings do not seem like an individual education plan at all. These districts have lawyers helping them to get around some of their responsibilities to these children. Steamrolling over parents to get away with this.

We as parents are left not as part of the educational team but alone with little help while the district members talk over them and decide what is in the best interest of their child.

My district Timberlane and my daughter's placement district Pinkerton Academy then met without me present and our district Unilaterally unenrolled her a week before the start of the 2021-2022 school year.

It did not matter that I agreed with the out of district placement for my daughter being at Pinkerton and all I was asking was them to deliver her special education services outside of a predetermined resource room.

Now, My daughter has been without a placement since the start of this school year. OCR is investigating and She is home without any services or any educational instruction at all this as she is falling farther and farther behind her peers. We had a iep meeting on January 11 not about a placement but about evaluations that are due to be done in May. I told them I would like them done once she is in a educational placement. Doing them without a placement seems out of place. Her getting a education is the first thing needed. They now have hinted she may now no longer qualify for special education even though she failed the ninth grade. Has qualified/had special education since 3 years old with the district.

We did have another placement IEP scheduled for January 13 the same week. this time the district canceled the day of and we are still trying to find a mutually agreed upon time for another placement meeting.

I have sent them a ten day notice on December 23 telling them of my intent to enroll her in a private online academy and she has started taking the Fusion Academy placement testing. The district's response to my ten day letter was that is only used as a last resort. I feel that we are past a last resort and so I informed the Timberlane district that I will be seeking financial reimbursement once she has been enrolled.

I have found that there is nowhere for me to turn as I live on very little social security disability money and a lawyer is not in my families budget, especially since we lost everything in 2011 due to a house fire.

Our family was actually homeless for two years and it has been a struggle for us to climb out from that.

My family can not afford to pay a lawyer nor can we afford to provide a private education when we are supposed to be afforded a free appropriate public education. We pay enormous state property taxes for this. We have tried multiple nearby public high schools and two said they had room and I signed for her school records to be sent to them only to hear back that they were refusing enrollment stating Covid as the reason. I can't help but feel since Covid was happening before they received her records it feels like discrimination.

Thankfully on Facebook I have met some fantastic special education parents that stopped grabbed my hand and said we will do our best to help you for free.

We honestly had no where we could go for help.

I have tried multiple times at the supports that are in place for the state of NH.

I was told that they could not help my daughter and I or take her case.

If I did not agree with that decision from DRC I then was sent a bunch of forms to file a grievance or a formal complaint with the disability rights center.

I did not want or need more complicated more paperwork, I just wanted needed help. I was also supplied with a bunch of paperwork to file due process myself from Steve Berwick after I called asking him for help.

I need and have needed support and help with no where to turn. This is why the advocate for parents is needed.

My daughter is still at home, not in school slipping father and father from her peers. Hopefully I will find enough credit cards to pay for her online private school Fusion Academy has told me I can take a few to at least have her working toward something even if I can't afford a full time schedule. Hopefully I can obtain reimbursement and maybe even have the school knowingly do what is in my daughter's best interest.

We have had iep meeting after meeting. I ended up filing a complaint with OCR which has since opened up a investigation into this matter though they also do not investigate IDEA complaints. That I've been told me it is up to the state to make sure schools are in compliance with that.

One day after OCR opened an investigation the case manager emailed me telling me if I did not agree for a OCR mediation that they would file due process. They have not done that. Seven days after the district received notice of the complaint being opened with OCR the assistant superintendent sent an email now two months after not being in school, talking about her absences and compulsory education that it may be a case of truancy. They had been well aware my daughter was unenrolled from their district in March of 2021 and then enrolled in Pinkerton academy which they then unenrolled at the end of August 2021 from that placement after she had received a schedule and made friends at Pinkerton over the summer. This all done a week before the start of the school year. Timberlane did state in their letter Pinkerton might reenroll her if we would agree to a push out special education in a resource room. I no longer have any trust in my district.

I have also found placements that could meet her needs one at a in person private school and another at the online academy she is now testing with. The online academy would have immediate placement for her so we are choosing this direction. Timberlane district swiftly denied stating they are not approved NH schools.

These schools though are accredited and have great outcomes for children. They would be able to provide her all the services in a general education setting catered to her individual educational needs, Something that NH public schools are unable and unwilling to do.

I guess our state and our district feels that no placement is better then a non approved school.

I believed as a resident of the state of NH I could use the MEH law if needed, to find another public school if it was in the best interest of the student.

I never thought that a public school or a Public academy with the room for a student would deny them only because they can.

I have found the laws protect even homeless students to have the right to be enrolled in a public school of the parents choosing with no questions at and little problem at all.

We need this advocate for special needs students and their parents to ensure we are getting what the laws already in place say that our children will receive.

Thank you for your time.

Sincerely,

Shannon Bouchard

Sent from Yahoo Mail for iPhone

Ava Hawkes

From: Darlene <dmcote88@gmail.com>
Sent: Tuesday, January 25, 2022 6:20 PM
To: Ruth Ward; Erin Hennessey; Jay Kahn; Denise Ricciardi; Suzanne Prentiss; Ava Hawkes
Subject: SB381 Support written testimony

Dear Madam Chair and Committee,

My name is Darlene Mandh from Hopkinton, NH. I'm am in full support of SB381. I was a board member of Disability Rights Center, have served on state committees to develop our NH 10 Year Mental Health Plan, and have graduated from several disability advocacy training courses. I led a major advocacy effort to protect students in the Howie Leung abuse scandal in Concord Schools. Please note Howie Leung was a Special Education teacher. Despite obvious behavior that required mandatory reporting, it did not happen. The Special Education Director never caught on to his employee's despicable predatory behavior. At every level the students of Concord, including students with invisible and visible disabilities were failed. A so called investigative report was not released to the public. Only after a lawsuit did law enforcement and the AG office see a heavily redacted version. This is only 1 reason why we must have an Office of the Special Education Advocate in NH.

I have 2 children who had IEP's. My older child was denied an evaluation in our former town. I then had to pay out of pocket for an evaluation which showed serious learning disabilities. The district was only required to "consider" this professionally done evaluation and not act on it. I had to fight a very tiring battle to get my child an IEP. We later moved to Hopkinton. Despite an IEP the compliance was very poor and my son was failing classes, despite trying his best. The lack of evidence based interventions caused my son to become hopeless. The district then recommended he enroll at a nearby charter school. When asked to provide transportation to get there (I was in the midst of a life threatening, high risk pregnancy) the case manager on the team denied the fact that she even recommended a charter school. The lack of honesty in Hopkinton was eye opening and terribly disappointing. There was no recourse, even after calling the DOE special Ed consultants. District Admins laugh in the face of parents when a complaint is brought up because they know there is no consequences.

We lost all faith in the Hopkinton School district. Due to the horrific special education experience there my son graduated late and still feels bad about it at age 22. No child with educational disabilities should suffer such failures of their school personnel. He was so traumatized he shut down, and didn't even want to continue his education in college. He is working and getting underpaid and will need support from myself and his father for the long term.

My daughter was failed horrifically when her Hopkinton District "team" denied her a Special Education evaluation twice! Only when she collapsed at school in a suicidal crisis saying "I WANT TO DIE" did the hospital force Hopkinton Administrators to act. She ended up hospitalized 4 times from being so ignored and severely traumatized at school with purposely undiagnosed learning disabilities and severe mental distress as a result of that.

Even after their dismal failures, I still had to beg for an IEP. I had to beg for a suitable educational placement to save my child's life. No parent should see their child being taken out of school and put in a police car, shaking and crying and locked up in a cell in the ER.

Had I had access to an Office of Special Education Advocate my children would not have had to suffer. Their scars remain. My daughter is now homeschooled so we don't have to deal with untrained Administrators making unilateral IEP decisions, deal with a district that employs attorneys that spend taxpayer's OWN funds to fight against a Free Appropriate Public Education interest for children with disabilities (think Drummond and Woodsum etc), retaliate against parents that dare speak up, employ highly paid unions and lobbyists and have to beg for compliance of IEP's when it is law.

Please pass SB381. We need an independent voice for our disabled children but not in the Office of Child Advocate. This Office of Special Education Advocate must be truly independent with it's own budget, his own autonomy and it's own space.

Thank You!
Darlene Gildersleeve
Hopkinton, NH

January 25, 2022

Via email only

Ruth Ward, Chair
The General Court of New Hampshire
107 North Main Street
Concord, NH 03301
Legislative Office Building

Re: SB381 - AN ACT establishing an office of the advocate for special education.

Dear Representative Ladd and members of the Senate Education Committee:

My name is Tracy Walbridge. I live in Rochester. I **support** SB381

If you are a taxpayer who does not have a child with a medical disability and/or/both educational disability or suspected medical disability and/or/both educational disability, you will not truly understand the need for an independent Office of the Advocate for Special Education.

In 1975, Congress first recognized the need to provide a federal law to help ensure that local schools would serve the educational needs of students with disabilities. The law was originally titled the Education for All Handicapped Children Act and is currently known as the Individuals with Disabilities Education Act¹ (IDEA).

IDEA gives states **federal funds** to help make special education services available for students with disabilities. It also provides very **specific requirements** to ensure a free appropriate public education (FAPE) for students with disabilities.

As part of their responsibilities required by IDEA, every state must issue state rules or regulations that provide guidance on the implementation of IDEA within the state. At a minimum, state regulations must provide all of the protections contained in IDEA.

Schools that receive federal funds must follow federal law! (*Annually, LEAs are required to send out letters to private schools in their area asking if they want to "opt-in" to the use of federal funds*)

In NH, Local Educational Agencies (LEAs) and their legal teams continuously refer to RSA 186-C² and NOT federal law of IDEA.

¹ Individuals with Disabilities Education Act (IDEA)

² RSA 186-C

With the public testimony from parents on HB581³ and during the public testimony during the HB581 study committee, parents expressed their frustration with the frayed and fragmented systems or organizations of support for disabilities and special education.

NH needs a separate and distinct independent office that can act in an administrative capacity for the dispute resolution system and an independent office that models the same philosophy from the Pennsylvania Department of Education's Office of Dispute Resolution (ODR). ODR offers services to parents and guardians of children with disabilities and children with giftedness and Local Educational Agencies (LEAs) to assist them in resolving special education disagreements.

Pennsylvania's ODR has been recognized as having *an exemplary dispute resolution system* only four states in the country have received this commendation.

Individuals from various NH Associations and NH organization are constantly stating how NH does great things in special education, having a NH Office of Special Education Advocate modeling PADOE ODR will provide the recognition of NH to work towards an exemplary commendation.

I support SB381.

Thank you,
Tracy Walbridge
Rochester, NH

³ Relative to the burden of proof in special education hearings and establishing a committee to study special education IEP and dispute resolution processes

Ava Hawkes

From: Glenn Cordelli
Sent: Friday, January 28, 2022 10:48 AM
To: Ruth Ward; Erin Hennessey; Jay Kahn; Denise Ricciardi; Suzanne Prentiss; Ava Hawkes
Subject: SB381
Attachments: DOE family survey Spec Ed.pdf

Good morning.

I am sorry that I was not able to attend the hearing on SB381.

I do want to offer some information for your consideration.

Attached is a section of a Department of Education survey from last Spring. I have highlighted several questions/responses.

The Director of the Office of Child Advocate testified at the hearing. There is nothing in the authorizing statute dealing with special education or education in general. It is centered on DHHS issues.

As she testified, they have no expertise in special education. In fact, I did hear from the parent who Senator Hennessey suggested contact the Director. I believe she will also be sending the committee an email.

I also not that according the press reports from November, the Director who testified has now retired (effective January 30) unless that was withdrawn.

For the benefit of parents and children with disabilities, I ask that you vote OTP on SB381.






Rep. Glenn Cordelli



New Hampshire Department of Education






**NHDOE Family Survey (K-12)
Spring 2021 - 603 Bright Futures**

Q.5: How much do you trust that your student's teachers do what is in the best interest of your student?

A lot	31%		4534
Quite a bit	34%		4992
Somewhat	19%		2747
A little bit	10%		1462
Not at all	5%		739






Favorable: **66%**

Q.6: How well does your student's teacher keep you up to date on how your student is doing socially at school?

Extremely well	14%		1947
Quite well	20%		2907
Somewhat well	20%		2899
A little bit well	18%		2589
Not at all well	28%		4046






Favorable: **34%**

Q.7: How effective do you feel in your interactions with your student's school?

Extremely effective	16%		2353
Quite effective	31%		4517
Somewhat effective	26%		3691
Slightly effective	16%		2238
Not at all effective	11%		1604

Favorable: **48%**

Q.8: How much do you feel the school values your opinions?

Values a tremendous amount	14%		2045
Values quite a bit	29%		4252
Values some	27%		3889
Values a little bit	15%		2177
Does not value at all	14%		2064

Favorable: **44%**

Individualized Education Plans (Indicator 8)

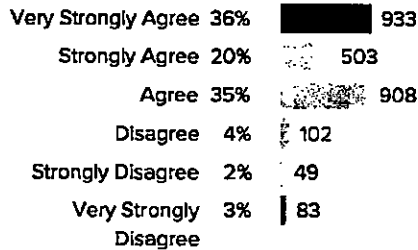
Your average

82%

14,544 responses

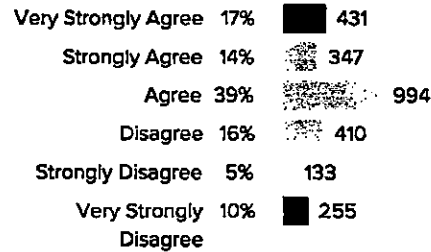
How did people respond?

Q.1: At the IEP meeting, we discussed accommodations and modifications that my child would need.



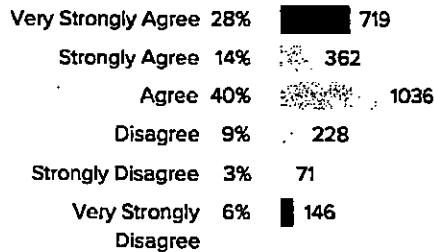
Favorable: **91%**

Q.2: The school communicates regularly with me regarding my child's progress on IEP goals.



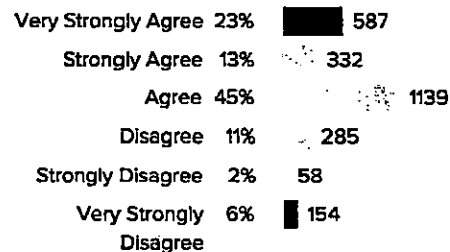
Favorable: **69%**

Q.3: I was given all reports and evaluations related to my child prior to the IEP meeting.



Favorable: **83%**

Q.4: All of my concerns and recommendations were documented on the IEP.



Favorable: **81%**

Q.5: IEP meetings are scheduled at a time and place that are convenient for me.

Very Strongly Agree	27%	694
Strongly Agree	15%	391
Agree	42%	1071
Disagree	9%	226
Strongly Disagree	2%	46
Very Strongly Disagree	5%	134

Favorable: **84%**

Information & Resources (Indicator 8)

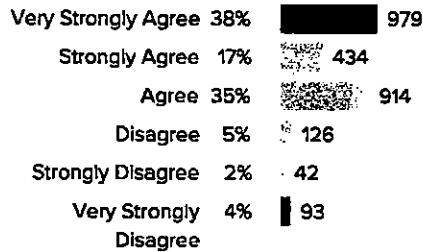
Your average

63%

14,544 responses

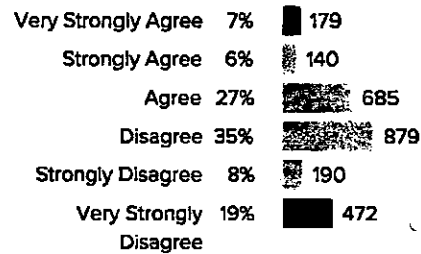
How did people respond?

Q.1: I was given information about my rights as a parent of a child who is eligible for special education services.



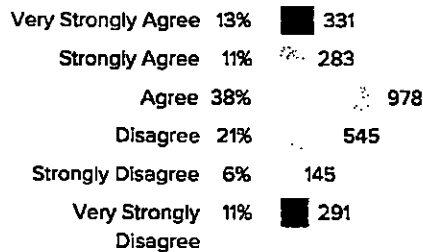
Favorable: **90%**

Q.2: My child's school has helped me find resources in my community such as after-school programs, social services, etc.



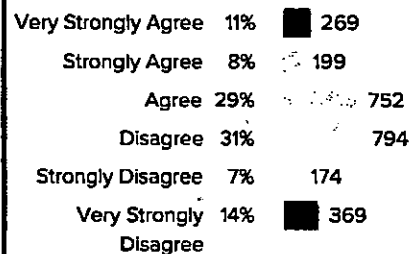
Favorable: **39%**

Q.3: The school gives parents the help they may need to play an active role in their child's education.



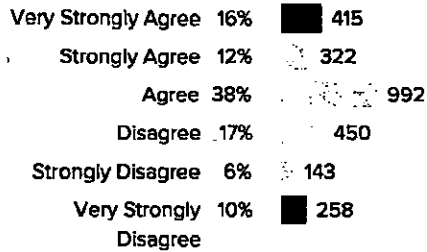
Favorable: **62%**

Q.4: I was given information about the research that supports the instructional methods used with my child.



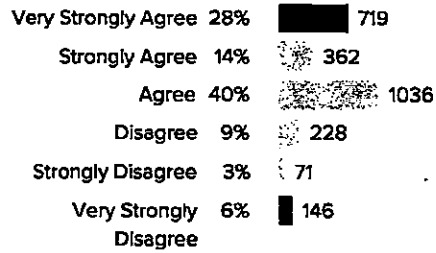
Favorable: **48%**

Q.5: My child's school gives me enough information to know whether or not my child is making adequate progress.



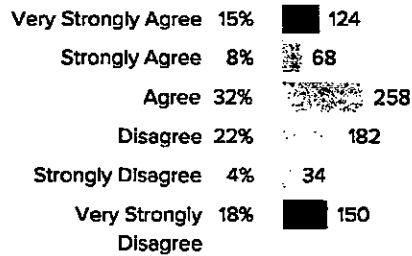
Favorable: **67%**

Q.6: I was given all reports and evaluations related to my child prior to the IEP meeting.



Favorable: **83%**

Q.7: In preparation for my child's transition planning meeting I was given information about options my child will have after high school. (Please leave this blank if it does not apply to your child.)



Favorable: **55%**

Parent-School Partnership (Indicator 8)

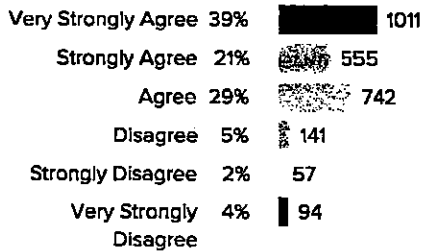
Your average

73%

14,544 responses

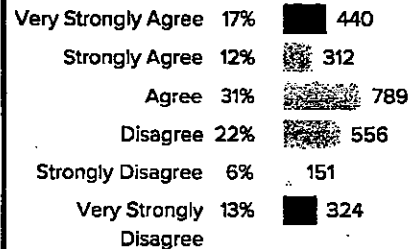
How did people respond?

Q.1: I am comfortable asking questions and expressing concerns to school staff.



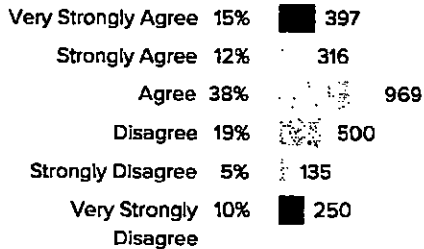
Favorable: **89%**

Q.2: I have been asked for my opinion about how well special education services are meeting my child's needs.



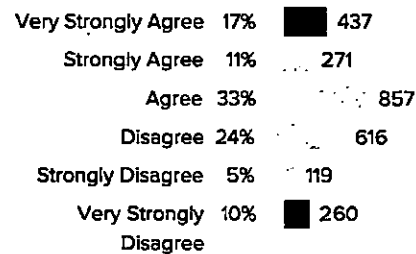
Favorable: **60%**

Q.3: The school gives me choices with regard to services that address my child's needs.



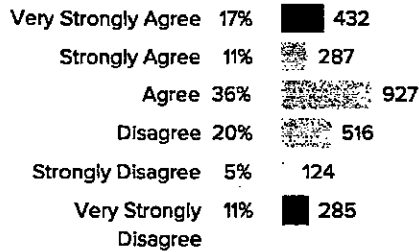
Favorable: **66%**

Q.4: Teachers and administrators at my child's school invite me to share my knowledge and experience with school personnel.



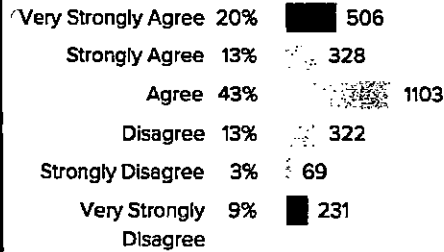
Favorable: **61%**

Q.5: Teachers and administrators seek out parent input.



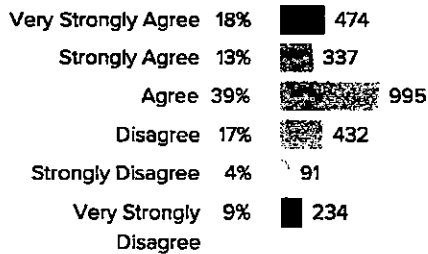
Favorable: **64%**

Q.6: I feel I can disagree with my child's special education program or services without negative consequences for me or my child.



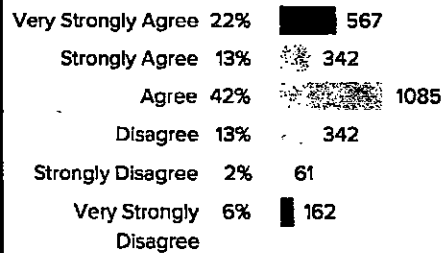
Favorable: **76%**

Q.7: I am considered an equal partner with teachers and other professionals in planning my child's program.



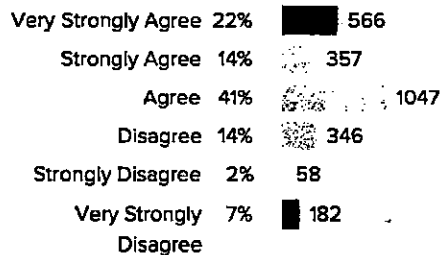
Favorable: **70%**

Q.8: Teachers and administrators encourage me to participate in the decision-making process.



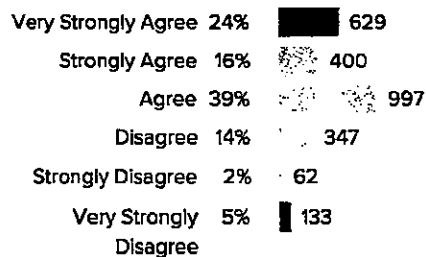
Favorable: **78%**

Q.9: I felt part of the decision-making process.

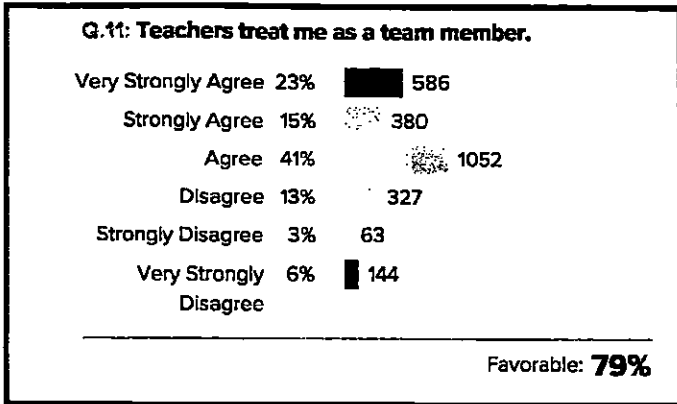


Favorable: **77%**

Q.10: I have a good working relationship with my child's teachers.



Favorable: **79%**



Ava Hawkes

From: Shannon Marie Bouchard <sbouchard92@yahoo.com>
Sent: Friday, January 28, 2022 12:03 PM
To: Suzanne Prentiss; Denise Ricciardi; Ava Hawkes; Jay Kahn; Erin Hennessey; Ruth Ward
Subject: SB-381

To whom it May Concern:

My name is Shannon Bouchard. I spoke out in favor of this SB 381 as a parent of a special education student that has been having many issues with the system as it is set up.

I learned as I waited in the lobby to be heard by the senator's on this bill that there was already a children's office of special education set up supposedly for parents. I say supposedly as I have since reached out to her figure it couldn't hurt she responded with telling me to leave my information and daughters information a general inbox for the advocates to see and someone would get in touch with me.

I decline to do that in respect for my families privacy. It seems her services are nothing that I was speaking on or looking for or that is needed and what I was asking for when I testified.

Parents need an impartial advocate that knows the special education laws just as well as the lawyers that the schools employ full time on retainer for them. They do not need a child advocate that has many hats they are already wearing advocating for DYFS or DHHS. It is my understanding that we are all begging the committee to establish an independent advocate to help parents with the special education needs of their children.

I personally have been trying to find anyone to help me and my daughter since 2020. I have never even heard of this agency until I came to testify on this bill and she spoke to me while I was waiting to go in to the hearing and testify. I have contacted so many already from the state and many emails to prove dates and times of my advocating for my daughter on my own with no help from those already in place. No one has ever mentioned that this office of children is set up to advocate for special education.

I have contacted Steve Berwick in 2020 trying to find a Manifest Educational Hardship placement for my daughter. It took me eight months to secure a placement in March of 2021 on my own 100% with the Pinkerton Academy and transfer my daughter to this public academy.

I then reached out again in spring of 2021 to Steve Berwick about my daughter failing and needing account recovery that I could not afford the district of Pinkerton cost for that. I then asked my district if they perhaps could just transfer to my second MEH requested school of Raymond since they offered free summer school.

Steve Berwick contacted my district about this when I had told him I already made the request with my superintendent. He took it upon himself to reach out to Timberlane superintendent on his own. I'm not sure of what Steve Berwick's outcome but my superintendent said he had to check with the district attorney's and I never heard back about that.

Since they did not get back to me we stayed ready to start Pinkerton for 2021-2022 school year. I bought and my daughter read the English summer homework that the headmaster assigned.

They knew I had not signed the new iep in May over disagreement with where my daughters special education services would be given.

They waited till I reached out in August wanting to get a working IEP in place for the 2021-2022 school year.

Because I again advocated for her under IDEA to receive services in general education they showed me the policy in place of only providing special education services in a push out segregated classroom

Due to my advocating for my daughter's rights my district unenrolled her stating I did not agree with the placement which was completely untrue. I did not agree with where her services were going to be provided. I never disagreed with the school placement I fought so hard for her to get.

Due to this happening I did once again contact the DOE Steve Berwick who then had me contact Rebecca Fredette and she then in turn referred me to Bridgette Pare who never reached out to me at all.

I then reached out to Rebecca Fredette on September 20, 2021 once again. Ms. Fredette responded in email to me on September 20, 2021, she had been in touch with the districts of Pinkerton and Timberlane who informed her we had another scheduled IEP meeting and she was confident that Pinkerton and Timberlane would work something out for my daughter.

When I emailed her again she passed me to Natasha Lupiani. Natasha reached out to the district and then back to me because we had another scheduled iep meeting in place she said she would allow the districts to work with me.

As you can see the system in place is failing the children and parents of NH. This run around I have had is a full time job. Not one time ever did the office of children advocate come up in any situation that they are in place to help parents of children with special education problems or help with IEP's

It seems they are in place for other needs of children and advocate for those needs not special education laws and the understanding needed to help parents go up against district's attorneys.

I do not think one parent or member of the public testifying on this bill that this advocate is needed had the office of children or their type of services in mind at all.

This is NOT what parents and special education students need. Thank you for your time and listening to my concerns again.

Sincerely,

Shannon Bouchard

Sent from Yahoo Mail for iPhone

Good morning my name is Marilyn, I'm a NH resident and mom of a previously functionally illiterate girl who is a victim of multiple injustices that are the result of government systems failures. Failures that begin with poor-quality teacher training and credentialing programs in our taxpayer funded public university system, as well as most private universities—i.e., teaching colleges fail to ensure preservice teachers are provided the knowledge from taxpayer funded research that explicitly tells us how the brain learns how to read, it fails to provide them with training and skills to ensure each educator's practice is in line with federal mandates like Every Student Succeeds Act (ESSA), the Individuals with Disabilities Education Act (IDEA), and other education laws they're responsible for complying with during the course of a child's 13 years in compulsory education. Therefore, most teachers graduate college with worthless degrees—including those that have masters degrees in curriculum and instruction. These worthless degrees set our teachers up for failures in their chosen profession and for malpractice in America's public schools. These failures are further exacerbated by poor-quality Balanced Literacy curriculum and harmful &/or inadequate instructional practices in general and special education classrooms.

I'm here today to support SB-381 under the presumption that the newly created Office of Special Education Advocate will be fully transparent and independent of all other NH area agencies, LEAs and the NH DOE, and will help NH families access appropriate services to ensure their IDEA eligible student receives the Free Appropriate Public-funded Education that federal laws are supposed to guarantee, and that this newly created position is not exploited as a taxpayer-funded job for individuals in return for political favors &/or to strengthen the iron triangle.

In the winter of 2015 our family was forced to secure a private neuropsychological evaluation for our daughter thru Mass General Hospital's Learning & Emotional Assessment Program, incurring personal expenses of \$3,500 to identify why our above-average intelligence daughter was unexpectedly struggling to learn how to read, write, spell, and numerate and that's b/c our A-rated district did not comply with the federal Child Find mandate by continuously denying requests for special education services evaluations during Kindergarten, 1st and 2nd grade—we were repeatedly reassured by the district that “she's fine,” “don't worry she'll catch-up,” and other unprofessional gaslighting tactics.

My traumatic experiences give me reasons to believe that there is an unquantifiable number of children in NH

with invisible learning disabilities like my daughter's— i.e., dyslexia, dyscalculia, dysgraphia, ADHD, etc—that are needlessly struggling in general and special education classrooms b/c districts do not comply with Child Find laws mandated within the federal Individuals with Disabilities Education Act (IDEA) due to the *lack of* enforced compliance by state DOE's and the U.S. DOE.

Additionally, *after* securing and Individualized Education Program (IEP) for our child and making repeated good faith attempts to collaborate with her IEP Team throughout 2nd and 3rd grade, she showed signs of *further* deterioration while actively receiving special education services and, to quote Warton Professor of English at the University of Oxford, John Bayley;

“Children’s behavior is inextricably linked to their level of reading.”

With that guidance and our knowledge, we were forced to make the dire, difficult and NOT free choice to unilaterally place our child in a private special education school that is able to give her what she most needs to thrive and be proficiently Literate. Each week, I have drive my IDEA eligible child 700-miles to/from a private special education school that we have self-

funded the last 5-years at a personal expense of \$263,400.00 in tuition only—and that's BECAUSE most districts do not comply with federal Child Find laws, dismiss Independent Education Evaluations (IEEs) as opinion &/or hearsay, do NOT consider parental input in the IEP decision making process in good faith, and make unilateral special education service "offers" on a "take it, or take us to Due Process" basis resulting from the fact, in part, that districts did NOT bear the burden of proof prior to HB581's enactment, coupled with no enforced compliance with the federal IDEA as NH school districts *self-report their compliance* to the NH DOE and have never undergone forensic audits of federal funding. As such, I'm left wondering and worrying about how many thousands of NH families that have a child, or multiple children, with special learning needs are desperate for real and meaningful support from an experienced and independent individual in an independent Office of Special Education Advocate *outside* the control &/or influence of LEAs, LEA attorneys, teachers unions, the NHSBA, and the NH Department of Education—by enacting SB381.

The scope of services that must be provided to children under federal Medicaid law is broader than what is required under the IDEA's definition of "related services." As such, many parents of children with IEPs

and 504 Plans are coerced by districts into signing irrevocable release forms to bill Medicaid even though schools can't possibly possess information knowing who is/isn't Medicaid eligible. Or, can they?

Furthermore, I also have reasons to believe that the prior absence of districts' burden of proof explains why most parents lose due process, and why the few parents that settle in mediation or have a favorable Due Process outcome have been silenced until death with taxpayer-funded non-disclosure agreements in violation of NH's Right to Know statute, and these families still can't access their child's rights to &/or the actual services.

In truth, Free Appropriate Public-funded Education sits on a deserted island inside an iron triangle that's protected by local school boards, state DOE's, the federal DOE, teachers unions, et al—there is NO access to services and the outcomes of students with disabilities show this, look at the single digit Literacy proficiency scores of students with IEPs that were recently published by the NH DOE. To quote one PhD in economics, Byron Schломach;

“Parents sitting outside education's iron triangle who actually figure things out are ignored, or are discredited with outright lies, like the lie that testing and its problems were all the fault of legislators and No Child Left Behind.”

Today I'm wearing a winter hat emblazoned with the letters USA and our nation's glorious flag because I was raised to be a patriotic American, one that stands-up for truth, liberty and justice for all. So many brave Americans have sacrificed their lives to protect our freedoms and so I believe it is my moral and ethical duty to fight to protect our nation's innocent children and their rights to FAPE and literacy proficiency because #LiteracyIsEquity and you all know this.

NH's poor-quality special education services and probable non-compliance with the federal Individuals with Disabilities Education Act is an education equity and social justice issue—in fact, I believe it's a crisis—one that mandates HB581 and SB381 until statewide reading proficiency scores reach 100% literacy proficiency in outcomes of all students with disabilities—because that is attainable—and easily achieved by investing our federal ARPA/ESSER III taxpayer dollars and/or state & local taxpayer dollars in credentialing *each* general and special education teacher in science of reading and direct, explicit instruction—to ensure fidelity of instruction—in each general and special education classroom, K-12. I'm more than happy to volunteer my time and knowledge, pro bono, to guide the state and any district through the aforementioned processes.

Public schools are ***NOT*** underfunded, the funding is mismanaged, misappropriated, subjected to government malfeasance, fraud and corruption because there's ***NO*** transparency or accountability to taxpayers or in student outcomes—all students—those that receive general and special education services.

#FAPEDenied

I'm asking you to support SB381 so that parents will hopefully have an independent ally to help them access their child's rights to FAPE and functional Literacy proficiency.

To quote a former illiterate slave and one of my personal heroes, Frederick Douglass;

“It's easier to build strong children, than to repair broken men.”

Thank you for listening.

Ava Hawkes

From: O'Neill, Moira <Moira.K.ONeill@ChildAdvocate.nh.gov>
Sent: Friday, January 28, 2022 5:28 PM
To: Ruth Ward; Erin Hennessey; Jay Kahn; Denise Ricciardi; Suzanne Prentiss; Ava Hawkes
Cc: John Reagan; Erin Hennessey; Jay Kahn; Kevin Avard; Cindy Rosenwald; Tom Sherman; Denise Ricciardi; Suzanne Prentiss; Jeb Bradley; David Watters; William Gannon; James Spillane
Subject: Information for SB 381 special ed advocate ammendment
Attachments: 1-28-22 Child Advocate Prop Ammend SB 381.pdf

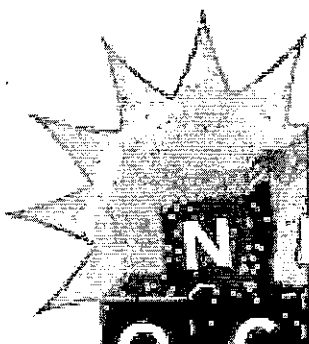
Good afternoon,

Thank you for the opportunity to submit information to support an amendment to SB 381-FN-A establishing an advocate for education. The attached letter includes a sample budget with comparisons of the cost for a new stand alone agency and for incorporating the position into the Office of the Child Advocate.

Please do not hesitate to contact me if you have questions or concerns.

Have a safe weekend.

Moira



Moira K. O'Neill, The Child Advocate

Personal pronouns she/her

NH Office of the Child Advocate

Johnson Hall

107 Pleasant Street

Concord, New Hampshire 03301

603-271-7773

Toll Free- 833-NHCHILD

<https://childadvocate.nh.gov/>



If you think a child is in immediate danger, please call 9-1-1. To report suspected abuse or neglect of a child, please call DCYF at 1-800-894-5533.

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State of New Hampshire

Office of the Child Advocate

Moira O'Neill
Child Advocate

January 28, 2022

Senate Education Committee
State House
Concord, NH 03301

Dear Madam Chair Ward,

Thank you for the opportunity to follow up with more details on the recommendation I made regarding amending **SB 381-FN-A establishing an office of the advocate for special education to limit cost to the state and avoid creating a duplication of mandates with the Office of the Child Advocate.** As you will recall, I support whole-heartedly the need for an advocate for special education, however I called to the Committee's attention that a separate independent agency would be redundant given the Office of the Child Advocate already has jurisdiction to take complaints about educational services pursuant to RSA 21-V. Therefore, funding a separate agency would be a poor use of limited funds targeted to children's needs.

Per your request, we have put together a budget to show the potential savings by placing an advocate for special education and a supporting research/legal aid in the Office of the Child Advocate. In the below table there is a column for the cost of a new agency and next to it, a column demonstrating the cost of incorporating the two positions in the Office of the Child Advocate. The last column demonstrates a potential savings of approximately \$317,000 from the original proposed bill.

Basic costs associated with Special Education Advocate

Expense	Advocate for Special Education - New Agency \$500,000.00	Office of the Child Advocate with 2 new positions 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	<u>\$500,000.00</u>	<u>\$993,884.97</u>	<u>\$317,465.03</u>

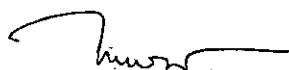
*allocation to new OCA in 2018

As I indicated in my testimony on January 25th, placing the advocate for special education in the existing Office of the Child Advocate will consolidate resources for families through one door. It will also give the advocate for special education immediate access to legal counsel, administrative support, and the expertise of the OCA staff to assist on cases of children who will predictably be multi-system-involved beyond education. Consolidation also avoids increasing the workload of Department of Administrative Services staff who help administer services for independent agencies such as payments processing, financial data management and human resources.

I am grateful that Senator Reagan and his co-sponsors have lifted up this important need among families. I look forward to having the resources available to meet them in the best way possible. I urge you to **amend SB 381-FN-A and place the advocate for special education 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 attention to this matter. Please do not hesitate to contact me with any additional questions.

All my best.



Moira O'Neill
The Child Advocate

V. Chair Hennessey
Sen. Ricciardi
Sen. Kahn
Sen. Prentiss
Sen. Reagan
Sen. Bradley
Sen. Watters
Sen. Avard
Sen. Rosenwald
Sen. Gannon
Sen. Sherman
Rep. Spillane

CHRISTINE M. METZNER
30 Pine Street
Rye, New Hampshire. 03870
(914) 255-3909
cmmetzner@gmail.com

January 25, 2022

New Hampshire Senate
Education Committee
Concord, New Hampshire

Re: Testimony in Support of SB381 FN-A

Dear Senators:

My name is Christine Metzner and I live in Rye, New Hampshire. I am here to support SB381 FN-A. 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. I brought this three-inch binder with me, which is overflowing with e-mails, letters, plans, notices, meeting notes, meeting corrections, doctor's letters, updated doctor letters etc., to give you a visual reference for what just about one year of that experience looked like.

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, and I read the laws. It took hours to begin to understand the framework of the system – especially the IEP process. Even for me—an attorney—it was overwhelming. I turned first to an advocate and later hired a lawyer to help. Before I hired a lawyer, I made it clear to the school what I believed would help my son – some home tutoring because his agoraphobia was so bad that he was unable to leave the house. We had at least two meetings that my son's psychologist attended to explain his needs, but they wouldn't say yes or no to my request.

Once I hired a lawyer, the school started having its lawyer attend the meetings. With two lawyers in the room, my simple request for a home tutor a couple of hours a week was magically granted. This was four weeks and three meetings after my initial 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. **Those 20 hours were the entirety of his public education in the last six months of that school year. And I know that once the 504 and IEP processes were concluded, the lawyers made more money than the tutors, not to mention the hours of administrator and teacher times at meetings where there were as many as ten to twelve or thirteen people in the room each time—all for furnishing a few hours of tutoring a week.**

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. 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 never contacted 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 lawyer 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. What he needed to succeed did not seem to be their concern.

While homeschooling my son, I was shocked to learn how many people were homeschooling their children because of the difficulties they faced with securing appropriate 504s or IEPs. Everything with the schools is a struggle and parents of children who need accommodations or services need a state government office to turn to for help.

The procedural safeguards are not written in plain English. Even with a law degree, I had trouble understanding them. And if I needed help to the point of hiring an advocate and lawyer, 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.

Finally, schools are spending more and more on legal fees. My own SAU is talking about increasing expenses for legal fees because they see a trend of "advocate-outreach" by parents. Parents are reaching out to advocates because the schools are so difficult. And with all the training and support that school personnel obtain from their district's law firms at their state associations, there should be no reason for them to hire lawyers for individual 504s and IEPs. Instead of choosing to lawyer up, schools should be asking why so many parents are seeking help. The reason is because parents do not fully understand the process, they do not feel heard, and they are quite likely overwhelmed by the process and parenting in the 21st century. These facts all point to the need for a Special Advocate for Education in New Hampshire.

I want to note that any opposition to this legislation is disingenuous. The plain purpose of the legislation is to help parents navigate a difficult process. It doesn't cost the schools any money - it's a layer that will help parents understand their children's educational rights and it might save schools money if they focused on children's needs, services to address those needs, and seeing that the process unfolds properly and expeditiously.

Finally, I would like you to know that after homeschooling my son for most of 7th and all of 8th grade, my son's 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 of my testimony.

Very truly yours,

A handwritten signature in black ink that reads "Christine M. Metzner". The signature is written in a cursive, flowing style.

Christine M. Metzner

Testimony in support of: Senate Bill 381 FN-A: An Act Establishing an Office of the Advocate for
Special Education

Submitted by: Jessica Wright

134 Cannongate III Road

Nashua, NH 03063

01/24/22

Dear Chairman Ward and members of the Education Committee,

My name is Jessica Wright and I live in Nashua, NH. I am a Pediatric Physician Assistant and the mother of two children. My ten year old daughter has a very complex health history which significantly affects her behavior and academic ability. I am in the unfortunate position of witnessing the extremely negative effect lack of a free appropriate public education has on children with disabilities and their families, both as a parent and a medical provider.

As with many students requiring specialized services in the school setting, my daughter experienced great difficulty returning to in person learning full time in April of 2021. She was not provided the resources needed to address her complex needs and the staff was ill equipped to handle the result. Her time spent at public school devolved into an unsafe, psychologically distressing experience that did not allow for adequate learning conditions.

I am well versed in the services available to my family and through the years have utilized those of:

- Gateways Community Services
- NH START
- Parent Information Center trained advocates
- Fast Forward Wrap Around Team
- Disability Rights Center
- Greater Nashua Mental Health Center
- Nashua Police Department
- UNH Institute on Disability NH Leadership Program alumni
- Many private medical specialists: psychiatrists, neurologists, developmental behavioral pediatricians and psychologists

None of these services had an adequate combination of available time, specialized knowledge/experience, or resources to guide me through the process of what research proven measures are indicated to determine my daughter's needs in the school setting, how they should be met, and by whom. Most importantly, no one could teach me how to emergently keep my daughter, and those around her, safe until I hired an independent advocate. This is a very expensive option, costing hundreds of dollars per hour of service.

As my daughter's IEP team has not provided a safety plan that I find to be adequate, let alone a proposal to adequately educate her, I have been home on FMLA for the past eight weeks with her. As you can imagine, this is a huge strain on my family and on my workplace as I have been largely absent during another peak in the COVID-19 pandemic. I know of other parents in similar situations who have had to take even more drastic measures such as move to different towns or states or attempt to find work from home after they have been fired from their jobs due to absences related to their children's school meetings and suspensions.

The process of attempting to resolve disagreements with the Nashua School District and obtain appropriate services for my daughter that promote safety and learning has been ongoing unsuccessfully for nine months now and will result in a due process hearing.

I feel strongly that an independent office of the advocate for special education is vitally important. Without one, students with disabilities will continue to be denied a free appropriate public education causing negative outcomes, not only for the students themselves but their family members, workplaces and their communities at large.

Thank you for your consideration.

Sincerely,

/s/ Jessica Wright, PA-C

Jessica Wright, PA-C

Voting Sheets

Senate Education Committee
EXECUTIVE SESSION RECORD
2022-2023 Session

Bill # SB 381. FN. A

Hearing date: 11/25/22

Executive Session date: 2/9/23

Motion of: OTP Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey, VC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey, VC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Prentiss

Notes: _____

Senate Finance Committee

EXECUTIVE SESSION

Bill # SB 381-FW-A

Hearing date: N/A

Executive session date: 03/15/22

Motion of: OTF

VOTE: 9-0

<u>Made by</u> Daniels <input type="checkbox"/>	<u>Seconded</u> Daniels <input type="checkbox"/>	<u>Reported</u> Daniels <input type="checkbox"/>
<u>Senator:</u> Reagan <input checked="" type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input checked="" type="checkbox"/>
Giuda <input type="checkbox"/>	Giuda <input checked="" type="checkbox"/>	Giuda <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>
D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>
Morse <input type="checkbox"/>	Morse <input type="checkbox"/>	Morse <input type="checkbox"/>
Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>

Motion of: _____

VOTE: _____

<u>Made by</u> Daniels <input type="checkbox"/>	<u>Seconded</u> Daniels <input type="checkbox"/>	<u>Reported</u> Daniels <input type="checkbox"/>
<u>Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>
Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>
D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>
Morse <input type="checkbox"/>	Morse <input type="checkbox"/>	Morse <input type="checkbox"/>
Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Daniels , Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Reagan, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Giuda	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Hennessey	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Rosenwald	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Morse	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator D'Allesandro	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Amendments: _____

Notes: _____

Committee Report

FOR THE CONSENT CALENDAR

EDUCATION

SB 381-FN-A, establishing an office of the advocate for special education.

Ought to Pass, Vote 5-0.

Senator Suzanne Prentiss for the committee.

This bill establishes an independent office of the advocate for special education and makes an appropriation therefor. This bill is a result of abundant testimony and findings presented before a committee to study special education dispute resolution options and the burden of proof in due process hearings. This study committee was enacted following the passage of HB 581 from the 2021 session. Over the past two sessions, the Committee heard from dozens of parents of children with special needs whose educational needs are not being met. Parents continued to reiterate the dire need for an independent office, and advocate, for families to use as a resource when fighting to ensure that their children's special education needs are being met and an adequate education is being provided. The Committee unanimously supports this bill as a means to advance resources for parents of special needs children in NH.

Docket of sb381		
12/21/2021	S	To Be Introduced 01/05/2022 and Referred to Education; SJ 1
01/06/2022	S	Hearing: 01/25/2022, Room 101, LOB, 09:00 am; SC 2
02/10/2022	S	Committee Report: Ought to Pass, 02/16/2022; Vote 5-0; CC; SC 7
02/16/2022	S	Ought to Pass: MA, VV; Refer to Finance Rule 4-5; 02/16/2022; SJ 3
03/16/2022	S	Committee Report: Ought to Pass, 03/24/2022; SC 12
03/24/2022	S	Ought to Pass: MA, VV; OT3rdg; 03/24/2022; SJ 6
03/28/2022	H	Introduced 03/28/2022 and referred to Education
04/04/2022	H	Public Hearing: 04/11/2022 09:30 am LOB 205-207
04/04/2022	H	Executive Session: 04/13/2022 10:00 am LOB 205-207
04/14/2022	H	Majority Committee Report: Ought to Pass (Vote 10-9; RC) HC 15 P. 13
04/14/2022	H	Minority Committee Report: Refer for Interim Study
04/21/2022	H	Ought to Pass: MA VV 04/21/2022 HJ 10
04/21/2022	H	Referred to Finance 04/21/2022 HJ 10
04/22/2022	H	Division Work Session: 04/25/2022 10:00 am LOB 209
04/27/2022	H	Division Work Session: 04/27/2022 11:00 am LOB 209
04/22/2022	H	Executive Session: 04/27/2022 03:00 pm LOB 210-211
04/28/2022	H	Majority Committee Report: Ought to Pass with Amendment # 2022-1857h (Vote 15-6; RC)
04/28/2022	H	Minority Committee Report: Inexpedient to Legislate
05/04/2022	H	Amendment # 1857h: AA DV 163-152 05/04/2022 HJ 11
05/04/2022	H	Ought to Pass with Amendment 1857h: MA RC 170-155 05/04/2022 HJ 11
05/12/2022	S	Sen. Ward Moved Nonconcur with the House Amendment; Requests C of C, MA, VV; 05/12/2022; SJ 12
05/12/2022	S	President Appoints: Senators Ward, Hennessey, Prentiss; 05/12/2022; SJ 12
05/12/2022	H	House Accedes to Senate Request for CofC (Rep. Ladd): MA VV 05/12/2022 HJ 13
05/12/2022	H	Speaker Appoints: Reps. Cordelli, Hobson, Litchfield 05/12/2022 HJ 13
05/13/2022	S	Committee of Conference Meeting: 05/16/2022, 9:00 a.m., Room 100, SH
05/18/2022	H	Conference Committee Report # 2022-2011c Filed 05/16/2022; House Amendment
05/26/2022	H	Conference Committee Report 2022-2011c: Adopted, VV 05/26/2022 HJ 14
05/26/2022	S	Conference Committee Report # 2022-2011c, Adopted, VV; 05/26/2022; SJ 13

06/22/2022	S	Enrolled Adopted, VV, (In recess 05/26/2022); SJ 13
07/07/2022	S	Signed by the Governor on 07/01/2022; Chapter 0316; Effective 07/31/2022

General Court of New Hampshire - Bill Status System

Docket of SB381

Docket Abbreviations

Bill Title: establishing an office of the advocate for special education.*Official Docket of SB381.:*

Date	Body	Description
12/21/2021	S	To Be Introduced 01/05/2022 and Referred to Education; SJ 1
1/6/2022	S	Hearing: 01/25/2022, Room 101, LOB, 09:00 am; SC 2
2/10/2022	S	Committee Report: Ought to Pass, 02/16/2022; Vote 5-0; CC; SC 7
2/16/2022	S	Ought to Pass: MA, VV; Refer to Finance Rule 4-5; 02/16/2022; SJ 3
3/16/2022	S	Committee Report: Ought to Pass, 03/24/2022; SC 12
3/24/2022	S	Ought to Pass: MA, VV; OT3rdg; 03/24/2022; SJ 6
3/28/2022	H	Introduced 03/28/2022 and referred to Education
4/4/2022	H	Public Hearing: 04/11/2022 09:30 am LOB 205-207
4/4/2022	H	Executive Session: 04/13/2022 10:00 am LOB 205-207
4/14/2022	H	Majority Committee Report: Ought to Pass (Vote 10-9; RC) HC 15 P. 13
4/14/2022	H	Minority Committee Report: Refer for Interim Study
4/21/2022	H	Ought to Pass: MA VV 04/21/2022 HJ 10
4/21/2022	H	Referred to Finance 04/21/2022 HJ 10
4/22/2022	H	Division Work Session: 04/25/2022 10:00 am LOB 209
4/27/2022	H	Division Work Session: 04/27/2022 11:00 am LOB 209
4/22/2022	H	Executive Session: 04/27/2022 03:00 pm LOB 210-211
4/28/2022	H	Majority Committee Report: Ought to Pass with Amendment #2022-1857h (Vote 15-6; RC)
4/28/2022	H	Minority Committee Report: Inexpedient to Legislate
5/4/2022	H	Amendment # 1857h: AA DV 163-152 05/04/2022 HJ 11
5/4/2022	H	Ought to Pass with Amendment 1857h: MA RC 170-155 05/04/2022 HJ 11
5/12/2022	S	Sen. Ward Moved Nonconcur with the House Amendment; Requests C of C, MA, VV; 05/12/2022; SJ 12
5/12/2022	S	President Appoints: Senators Ward, Hennessey, Prentiss; 05/12/2022; SJ 12
5/12/2022	H	House Accedes to Senate Request for CofC (Rep. Ladd): MA VV 05/12/2022 HJ 13
5/12/2022	H	Speaker Appoints: Reps. Cordelli, Hobson, Litchfield 05/12/2022 HJ 13
5/13/2022	S	Committee of Conference Meeting: 05/16/2022, 9:00 a.m., Room 100, SH
5/18/2022	H	Conference Committee Report #2022-2011c Filed 05/16/2022; House Amendment
5/26/2022	H	Conference Committee Report 2022-2011c: Adopted, VV 05/26/2022 HJ 14
5/26/2022	S	Conference Committee Report #2022-2011c , Adopted, VV; 05/26/2022; SJ 13
6/22/2022	H	Enrolled (in recess of) 05/26/2022 HJ 14
6/22/2022	S	Enrolled Adopted, VV, (In recess 05/26/2022); SJ 13

7/7/2022	S	Signed by the Governor on 07/01/2022; Chapter 0316; Effective 07/31/2022
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NH House

NH Senate

Other Referrals

May 16, 2022
2022-2011-CofC
10/05

1 Committee of Conference Report on SB 381-FN-A, establishing an office of the advocate for special
2 education.

3

4 Recommendation:

5 That the Senate recede from its position of nonconcurrency with the House amendment, and
6 concur with the House amendment, and

7 That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 381-FN-A, establishing an office
of the advocate for special education.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Ward, Dist. 8

Rep. Ladd, Graf. 4

Sen. Hennessey, Dist. 1

Rep. Cordelli, Carr. 4

Sen. Prentiss, Dist. 5

Rep. Hobson, Rock. 35

Rep. Litchfield, Rock. 11

Senate Inventory Checklist for Archives

Bill Number: SB 381-FN-A

Senate Committee: FINANCE

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference): 2011C

Enrolled Bill Amendment(s)

Governor's Veto Message

All available versions of the bill: {Clerk's Office}

___ as amended by the senate as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Debra A. Martore
Committee Aide

06/23/22
Date

Senate Clerk's Office AK

Senate Inventory Checklist for Archives

Bill Number: SB 381.FN.A

Senate Committee: GOVA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- ___ - amendment # _____ ___ - amendment # _____
- ___ - amendment # _____ ___ - amendment # _____
- Executive Session Sheet
- Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- ___ - amendment # _____ ___ - amendment # _____
- ___ - amendment # _____ ___ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

- ___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- ___ Enrolled Bill Amendment(s)
- ___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

- ___ as amended by the senate ___ as amended by the house
- ___ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Chris Hawkes
Committee Aide

9/28/22
Date

Senate Clerk's Office *AK*