

**CONSENT CALENDAR**

**February 6, 2023**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Education to which was referred HB  
501,**

**AN ACT relative to ages for special education services.**

**Having considered the same, report the same with the  
recommendation that the bill OUGHT TO PASS.**

**Rep. Alicia Lekas**

**FOR THE COMMITTEE**

## **COMMITTEE REPORT**

Committee:	<b>Education</b>
Bill Number:	<b>HB 501</b>
Title:	<b>relative to ages for special education services.</b>
Date:	<b>February 6, 2023</b>
Consent Calendar:	<b>CONSENT</b>
Recommendation:	<b>OUGHT TO PASS</b>

### **STATEMENT OF INTENT**

This is a clean-up bill. Last year we brought NH special education law into alignment with federal law. Federal law states services must be provided until age 21 inclusive, meaning throughout their 21st year. This particular piece of special education law was accidentally missed and does not say inclusive. This is to fix that.

Vote 20-0.

Rep. Alicia Lekas  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Education

**HB 501**, relative to ages for special education services. **OUGHT TO PASS.**

Rep. Alicia Lekas for Education. This is a clean-up bill. Last year we brought NH special education law into alignment with federal law. Federal law states services must be provided until age 21 inclusive, meaning throughout their 21st year. This particular piece of special education law was accidentally missed and does not say inclusive. This is to fix that. **Vote 20-0.**

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Cc: Committee Bill File

**HOUSE COMMITTEE ON EDUCATION**

**EXECUTIVE SESSION on HB 501**

**BILL TITLE:** relative to ages for special education services.

**DATE:** February 6, 2023

**LOB ROOM:** 207

**MOTIONS:** **OUGHT TO PASS**

Moved by Rep. A. Lekas

Seconded by Rep. Belcher

Vote: 20-0

**CONSENT CALENDAR: YES**

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep Arlene Quaratiello, Clerk

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on Bill # HB 501

BILL TITLE: HB Cases for Special Ed Service

DATE: 2/6/23

LOB ROOM: 205-207

MOTION: (Please check one box)

OTP

ITL

Retain (1<sup>st</sup> year)

Adoption of Amendment # \_\_\_\_\_  
(if offered)

Interim Study (2nd year)

Moved by Rep. Lekas      Seconded by Rep. Belcher      Vote: 20-0

MOTION: (Please check one box)

OTP

OTP/A

ITL

Retain (1<sup>st</sup> year)

Adoption of Amendment # \_\_\_\_\_  
(if offered)

Interim Study (2nd year)

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

MOTION: (Please check one box)

OTP

OTP/A

ITL

Retain (1<sup>st</sup> year)

Adoption of Amendment # \_\_\_\_\_  
(if offered)

Interim Study (2nd year)

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

MOTION: (Please check one box)

OTP

OTP/A

ITL

Retain (1<sup>st</sup> year)

Adoption of Amendment # \_\_\_\_\_  
(if offered)

Interim Study (2nd year)

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

CONSENT CALENDAR:  YES       NO

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

Respectfully submitted: 



STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

1/6/2023 12:35:36 PM  
Roll Call Committee Registers  
Report

2023 SESSION

Education

Bill #: HB 501 Motion: OTP AM #: \_\_\_\_\_ Exec Session Date: 2/6/23

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Ladd, Rick M. Chairman	20		
Cordelli, Glenn Vice Chairman	1		
Lekas, Alicia D.	2		
Ford, Oliver J. Clerk	3		
Belcher, Mike S	4		
<del>Drye, Margaret M.</del> Gagne, Larry	5		
McDonnell, Valerie E	6		
Noble, Kristin	7		
Peternel, Katy	8		
Quaratiello, Arlene	9		
Myler, Mel	10		
Cornell, Patricia	11		
Tanner, Linda L.	12		
Luneau, David J.	13		
Ellison, Arthur S.	14		
Woodcock, Stephen L.	15		
<del>Hall, Muriel C.</del> Heath, Mary	16		
Balboni, Peggy	17		
Cascadden, Corinne E	18		
Damon, Hope	19		
<b>TOTAL VOTE:</b>	<b>20</b>	<b>0</b>	

**HOUSE COMMITTEE ON EDUCATION**

**PUBLIC HEARING ON HB 501**

**BILL TITLE:** relative to ages for special education services.

**DATE:** January 27, 2023

**LOB ROOM:** 205-207                      **Time Public Hearing Called to Order:** 11:25am

**Time Adjourned:** 11:30am

**Committee Members:** Reps. Ladd, Cordelli, A.Lekas, O.Ford, Belcher, Drye, McDonnell, Noble, Peternel, Quaratiello, Myler, Cornell, Tanner, Ellison, Woodcock, Hall, Balboni, and Damon

**Bill Sponsors:**

**Rep. N. Murphy**

**Rep. B. Boyd**

**Rep. Kenney**

**Rep. Rung**

**TESTIMONY**

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

**Rep. Nancy Murphy**

- Introduced bill; "housekeeping bill" making technical corrections to eliminate confusion with conflicting statutes
- Supports

**Karen Rosenberg - Disability Rights Center NH**

- Support
- Inadvertent omissions need to be corrected to age 21 inclusive.

**Chris Bond - DOJ**

- Supports
- Agrees that this is "housekeeping" bill to ensure age - 21 inclusive per federal law.

**Rebecca Fredette - NH ED**

- Technical assistance

**Respectfully submitted,**

**Rep. Arlene Quaratiello, Clerk**





# House Remote Testify

## Education Committee Testify List for Bill HB501 on 2023-01-27

Support: 5 Oppose: 1 Neutral: 0 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Dunham, Bonnie	Merrimack, NH Bsdunham12@gmail.com	A Member of the Public	Myself	Support	No	No	1/21/2023 3:44 PM
Murphy, Rep. Nancy	Merrimack, NH nancy.murphy@leg.state.nh.us	An Elected Official	Hillsborough #12/ Merrimack	Support	No	No	1/23/2023 11:31 PM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/25/2023 1:18 PM
Kuenning, Keith	Concord, NH KuenningK@waypointnh.org	A Lobbyist	Waypoint	Support	No	No	1/26/2023 12:01 PM
Boyd, Representative Bill	MERRIMACK, NH william.w.boyd.iii@gmail.com	An Elected Official	Myself	Support	No	No	1/27/2023 6:52 AM
Donnelly, Ryan	Hudson, NH rdonnelly@gsil.org	A Member of the Public	Granite State Independent Living	Support	No	No	1/27/2023 12:27 PM

*An Act relative to ages for special education services*

January 21, 2023

Representative Rick Ladd, Chair  
House Education Committee

Dear Representative Ladd and Members of the House Education Committee,

I am writing to ask you to please recommend HB 501, *relative to ages for special education services*, ought to pass. I was so pleased last year when HB 1513-FN, relative to the definition of a child with a disability under special education laws and providing funding for special education costs for students over age 21 until their 22nd birthday was signed into law.

After the bill was signed into law, I found a few other sections of RSA 186-C that reference the ages of eligibility for special education, but which had inadvertently not been updated to include children with disabilities through age 21 inclusive. Others found sections in 4 other laws, RSA 189:1-a, RSA 189:65, RSA 194:60 and RSA 193:1-c, that also needed to be updated to align with the definition in RSA 186-C of “child with a disability”.

This bill will correct those oversights and ensure that all references to a child with a disability are consistent with RSA 186-C:2 by including children with disabilities through age 21 inclusive.

I thank the sponsors for introducing this bill, and encourage you to please support HB 501.

Thank you in advance for your consideration of my input on this bill.

Sincerely,



Bonnie A. Dunham  
16 Wren Court  
Merrimack, NH 03054  
Tel. (603) 860-5445  
Email [Bsdunham12@gmail.com](mailto:Bsdunham12@gmail.com)

## Representative Bill Boyd

This bill makes technical changes throughout the law to align the update in age from 20 to 21. I urged the Committee to recommend "OTP" on these technical changes. Thank you.

**HB 501 - AS INTRODUCED**

2023 SESSION

23-0605

09/10

HOUSE BILL            **501**

AN ACT                relative to ages for special education services.

SPONSORS:            Rep. N. Murphy, Hills. 12; Rep. B. Boyd, Hills. 12; Rep. Kenney, Straf. 10; Rep. Rung, Hills. 12

COMMITTEE:          Education

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ANALYSIS

This bill provides for special education services to children with disabilities through age 21 inclusive.

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Explanation:          Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struck through.]~~  
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 Three*

AN ACT relative to ages for special education services.

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

1 1 Special Education; Granite State High School; Duties. Amend RSA 186-C:3-a, VII(b)(1) to  
2 read as follows:

3 (1) Provide, on a weekly basis, a list of incarcerated inmates up to the age of 21  
4 ***inclusive*** who are eligible to receive special education.

5 2 Education Required. Amend RSA 186-C:9 to read as follows:

6 186-C:9 Education Required. Each child who is determined by the local school district, or  
7 special school district established under RSA 194:60, as having a disability in accordance with RSA  
8 186-C:2 and in need of special education or special education and related services shall be entitled to  
9 attend an approved program which can implement the child's individualized education program.  
10 Such child shall be entitled to continue in an approved program until such time as the child has  
11 acquired a regular high school diploma or has attained the age of 21 ***inclusive***, whichever occurs  
12 first, or until the child's individualized education program team determines that the child no longer  
13 requires special education in accordance with the provisions of this chapter.

14 3 Surrogate Parents. Amend RSA 186-C:14, IV to read as follows:

15 IV. Appointment of Surrogate. Appointment of a surrogate parent under this section shall  
16 be effective until the child reaches 18 years of age, and may be extended by order of the  
17 commissioner until the child graduates from high school or reaches 21 ***inclusive*** years of age,  
18 whichever occurs first. If the surrogate parent resigns, dies or is removed, the commissioner of the  
19 department of education or designee, or the court with jurisdiction over the child's case, may appoint  
20 a successor surrogate parent in the same manner as provided in paragraph III.

21 4 School Boards; Duty to Provide Education. Amend RSA 189:1-a, I to read as follows:

22 I. It shall be the duty of the school board to provide, at district expense, elementary and  
23 secondary education to all pupils who reside in the district until such time as the pupil has acquired  
24 a high school diploma or has reached age 21, whichever occurs first; ***or if the pupil is a "child with***  
25 ***a disability" under RSA 186-C:2, I, until such time as the pupil has acquired a high school***  
26 ***diploma or reached age 21 inclusive***; provided, that the board may exclude specific pupils for  
27 gross misconduct or for neglect or refusal to conform to the reasonable rules of the school, and  
28 further provided that this section shall not apply to pupils who have been exempted from school  
29 attendance in accordance with RSA 193:5.

30 5 Student and Teacher Information Protection and Privacy; Definitions. Amend RSA 189:65, IV  
31 to read as follows:

**HB 501 - AS INTRODUCED**  
**- Page 2 -**

1 IV. "District", "school", or "school district" means a school district, including the school  
2 administrative unit to which it may belong, and the high school educational program at the state  
3 prison or county jail in which an inmate under the age of 21 *inclusive or in which an inmate*  
4 *under the age of 21 inclusive who is a "child with a disability" under RSA 186-C:2, I*, is  
5 participating.

6 6 Special School District; Department of Corrections.. Amend RSA 194:60, I to read as follows:

7 I. A special school district is established within the department of corrections, under RSA  
8 21-H, solely for the purpose of providing approved education programs pursuant to subparagraph  
9 IV(b) of this section to eligible adult offenders [~~under the~~] *who either meet the definition of*  
10 *"child with a disability" under RSA 186-C:2, I or are under* age [e] 21 *inclusive* who wish to  
11 participate.

12 7 Special School District; Department of Corrections. Amend RSA 194:60, VIII to read as  
13 follows:

14 VIII. The special school district shall not be required to provide special education programs  
15 or services to children with disabilities aged 18 through 21 *inclusive* who, in the educational  
16 placement prior to their incarceration in an adult correctional facility, were not actually identified as  
17 being a child with a disability under RSA 186-C:2, or who did not have an individualized education  
18 program prior to their incarceration in an adult correctional facility.

19 8 Access to Public School Programs by Nonpublic, Public Chartered Schools or Home Educated  
20 Pupils. Amend RSA 193:1-c, I to read as follows:

21 I. Nonpublic, public chartered school, or home educated pupils shall have access to  
22 curricular courses and cocurricular programs offered by the school district in which the pupil resides.  
23 The local school board shall adopt a policy regulating participation in curricular courses and  
24 cocurricular programs, provided that such policy shall not be more restrictive for non-public, public  
25 chartered school, or home educated pupils than the policy governing the school district's resident  
26 pupils. In this section, "cocurricular" shall include those activities which are designed to supplement  
27 and enrich regular academic programs of study, provide opportunities for social development, and  
28 encourage participation in clubs, athletics, performing groups, and service to school and community.  
29 For purposes of allowing access as described in this section, a "home educated pupil" *includes any*  
30 *pupil who is a "child with a disability" under RSA 186-C:2, I, until such time as such pupil*  
31 *has acquired a high school diploma or reached age 21 inclusive; but* shall not include any  
32 *other* pupil who has graduated from a high school level program of home education, or its  
33 equivalent, or has attained the age of 21.

34 9 Effective Date. This act shall take effect 60 days after its passage.