

LEGISLATIVE COMMITTEE MINUTES

HB501

Bill as Introduced

HB 501 501 - 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

ANALYSIS

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

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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
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9 IV(b) of this section to eligible adult offenders [~~under the~~] *who either meet the definition of*
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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
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20 Pupils. Amend RSA 193:1-c, I to read as follows:

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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.

HB 501 - VERSION ADOPTED BY BOTH BODIES

2023 SESSION

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HB 501 - FINAL VERSION

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CHAPTER 7
HB 501 - FINAL VERSION
- Page 3 -

Effective Date: June 25, 2023

Committee Minutes

SENATE CALENDAR NOTICE
Education

Sen Ruth Ward, Chair
Sen Carrie Gendreau, Vice Chair
Sen Timothy Lang, Member
Sen Suzanne Prentiss, Member
Sen Donovan Fenton, Member

Date: March 16, 2023

HEARINGS

Tuesday	03/21/2023
(Day)	(Date)
Education	Legislative Office Building 101 9:00 a.m.
(Name of Committee)	(Place) (Time)
9:00 a.m. HB 365	relative to a statewide facility condition assessment for school buildings.
9:15 a.m. HB 466	relative to water bottle filling stations in schools.
9:30 a.m. HB 654	relative to the one-year certificate of teaching eligibility.
9:45 a.m. HB 35	requiring student identification cards to include the National Eating Disorders Hotline.
10:00 a.m. HB 501	relative to ages for special education services.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 365

Rep. Ladd

HB 466

Rep. Ladd

Rep. Cordelli

HB 654

Rep. Ladd

Rep. O. Ford

Rep. Myler

Sen. Ward

Sen. Watters

HB 35

Rep. Rung

Rep. Healey

Rep. B. Boyd

Rep. Cannon

Rep. Tanner

Rep. Levesque

Rep. N. Murphy

HB 501

Rep. N. Murphy

Rep. B. Boyd

Rep. Kenney

Rep. Rung

Peter Mulvey 271-4063

Ruth Ward
Chairman

Senate Education Committee

Peter Mulvey 271-4063

HB 501, relative to ages for special education services.

Hearing Date: March 21, 2023

Time Opened: 10:38 a.m.

Time Closed: 10:47 a.m.

Members of the Committee Present: Senators Ward, Gendreau, Lang, Prentiss and Fenton

Members of the Committee Absent : None

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

Sponsors:

Rep. N. Murphy

Rep. B. Boyd

Rep. Kenney

Rep. Rung

Who supports the bill: In total, 27 individuals signed in support of HB 501. For a complete and detailed copy of the sign-in sheet, contact Legislative Aide Pete D. Mulvey (peter.mulvey@leg.state.nh.us).

Who opposes the bill: None.

Who is neutral on the bill: None.

Summary of testimony presented:

Representative Nancy Murphy

Hillsborough County - District 12

- Representative Murphy introduced HB 501, an act relative to ages for special education services.
- Rep. Murphy characterized HB 501 as a housekeeping bill, which corrected overlooked discrepancies in RSA 186-C incurred by the passage of HB 1513 last term.
- More specifically, HB 1513 brought RSA 186-C into compliance with federal law. HB 1513 amended the definition for a child with a disability to match federal statute and regulations.
- HB 1513 did not raise the age limit for a student eligible for a free and appropriate education, but rather corrected the ambiguity in RSA 186-C.

- HB 501 sought to correct eight overlooked sections of the RSA, to ensure consistency in statute.
- Sen. Lang asked if HB 501 put special education on parity with non-special education services.
 - Rep. Murphy said that HB 501 did not bring special education into parity with traditional education, rather, HB1513 did that.
 - Rep. Murphy reiterated that HB 501 merely adjusted eight sections of the RSA to maintain consistent language in statute.
- Sen. Ward pointed to line three and asked if the language of that section of HB 501 provided for incarcerated students to be entitled to special education services until the age of 22.
 - Rep. Murphy said that the inclusion of incarcerated students was already in statute, and that HB 501 simply updated the language to be age 21 inclusive as opposed to simply age 21.

Christopher Bond

Senior Assistant Attorney General, New Hampshire Department of Justice

- Mr. Bond clarified that the changes presented by HB 501 were necessary to be compliant with federal law. HB 501 was a clean-up and clarification, making the ages changed consistent among statutes.

Bonnie Dunham

Merrimack Parent

- Ms. Dunham shared the excitement she felt when HB 1513 became law.
- Inconsistency in statute created ambiguity and confusion according to Ms. Dunham.
- Ms. Dunham asked the committee to support HB501.

Karen Rosenberg

Policy Director, Disability Rights Center

- Ms. Rosenberg shared her view that HB 501 was simply a clean-up bill.
- Ms. Rosenberg dissuaded the notion that HB 501 was an unconstitutional, unfunded mandate.
- Ms. Rosenberg urged the committee to support HB 501.

Speakers

Senate Remote Testify

Education Committee Testify List for Bill HB501 on 2023-03-21

Support: 41 Oppose: 0

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Evans, Krysten	A Lobbyist	ABLE NH	Support
perencevich, ruth	A Member of the Public	Myself	Support
Damon, Claudia	A Member of the Public	Myself	Support
Vincent, Laura	A Member of the Public	Myself	Support
Jones, Andrew	A Member of the Public	Myself	Support
Devore, Gary	A Member of the Public	Myself	Support
Walker, Deborah Klein	A Member of the Public	Myself	Support
Wessels, Susan	A Member of the Public	Myself	Support
Casino, Joanne	A Member of the Public	Myself	Support
Moccia, Lianne	A Member of the Public	Myself	Support
Bissex, Hannah	A Member of the Public	Myself	Support
Thomas, A	A Member of the Public	Myself	Support
Martin, Patricia	A Member of the Public	Myself	Support
Hershey, Jane	A Member of the Public	Myself	Support
Willing, Maura	A Member of the Public	Myself	Support
DeMark, Richard	A Member of the Public	Myself	Support
DeMark, Harriet	A Member of the Public	Myself	Support
Spencer, Louise	A Member of the Public	Myself	Support
Richman, Susan	A Member of the Public	Myself	Support
Ellermann, Maureen	A Member of the Public	Myself	Support
MCNAMEE, BRIGID	A Member of the Public	Myself	Support
Feller-Kopman, Michelle	A Member of the Public	Myself	Support
Spielman, Kathy Sue	A Member of the Public	Myself	Support
Austin, Lorna	A Member of the Public	Myself	Support
Koch, Laurie	A Member of the Public	Myself	Support
Koch, Helmut	A Member of the Public	Myself	Support
Wilke, Mary	A Member of the Public	Myself	Support
Merlone, Lynn	A Member of the Public	Myself	Support
Reardon, Donna	A Member of the Public	Myself	Support
Donnelly, Ryan	A Member of the Public	Granite State Independent Living	Support
Hatch, sally	A Member of the Public	Myself	Support
Rettew, Ann	A Member of the Public	Myself	Support
Eaton, Sharon	A Member of the Public	Myself	Support
Hinebauch, Melissa	A Member of the Public	Myself	Support
Clark, Martha	A Member of the Public	Myself	Support
Blanchard, Sandra	A Member of the Public	Myself	Support
Brennan, Nancy	A Member of the Public	Myself	Support
Holt, David	A Member of the Public	Myself	Support
Kiefner, Robert	A Member of the Public	Myself	Support
Baucom, Pam	A Member of the Public	Myself	Support
Platt, Elizabeth-Anne	A Member of the Public	Myself	Support

Testimony



ABLENH

DISABILITY JUSTICE ADVOCATES

March 21, 2023
Chairwoman Ruth Ward
Senate Education Committee
Re: HB501

Dear Honorable Chairwoman and Committee members,

Thank you for allowing me to testify today. For the record my Name is Krysten Evans and I am the Director of Policy for ABLE NH. ABLE is NH's only disability justice organization. We advocate for the civil and human rights of children and adults with disabilities. We are asking for your support on HB501.

House Bill 501 aims to expand special education services in New Hampshire by providing access to these services for children with disabilities until the age of 21. Currently, the state only provides special education services to children with disabilities until the age of 18.

Research shows that early intervention and support for children with disabilities can lead to better outcomes in their education, employment, and overall quality of life. Studies have found that providing special education services to children with disabilities beyond the age of 18 can have a positive impact on their academic achievement and future success.

According to the National Center for Education Statistics, in the 2018-2019 school year, 20% of students in the United States received special education services. In New Hampshire, 17.3% of students received special education services during the same school year.

Expanding special education services to children with disabilities until the age of 21 can have significant benefits for individuals with disabilities and society as a whole. Research shows that providing special education services to students beyond the age of 18 can lead to better outcomes in their education, employment, and overall quality of life.

According to the National Center for Education Statistics, students with disabilities who receive special education services are more likely to complete high school than those who do not receive these services. Furthermore, students with disabilities who receive special education services have better employment outcomes and are less likely to live in poverty as adults.

Expanding special education services until the age of 21 can provide individuals with disabilities with more time to develop the skills and support they need to succeed in their academic and personal lives. This can lead to better long-term outcomes for individuals with disabilities and can also reduce the burden on social services and other government programs.

Expanding special education services until the age of 21 is a matter of equity and inclusion. All individuals, regardless of their abilities, should have access to the resources and support they need to reach their full potential. Providing special education services until the age of 21 can help to ensure that individuals with disabilities have the same opportunities as their peers.

In conclusion, New Hampshire House Bill 501 can have significant benefits for individuals with disabilities and society as a whole. Expanding special education services until the age of 21 can lead to better outcomes in education and employment, reduce the burden on social services, and promote equity and inclusion.

Sincerely,

Krysten Evans
Director of Policy and Advocacy

Voting Sheets

Senate Education Committee
EXECUTIVE SESSION RECORD
2023-2024 Session

Bill # HB 501

Hearing date: 3/21

Executive Session date: 3/21

Motion of: OIP Vote: 6-0

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. Gendreau, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Lang	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Fenton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: CONSENT Vote: 6-0

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. Gendreau, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Sen. Fenton	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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. Gendreau, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Lang	<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"/>
Sen. Fenton	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Gendreau

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Wednesday, March 22, 2023

THE COMMITTEE ON Education

to which was referred **HB 501**

AN ACT relative to ages for special education services.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Carrie Gendreau
For the Committee

As introduced, HB 501 provides for special education services to be available for children with disabilities until the age of 21 inclusive. The intent of HB 501 is to make technical corrections to sections of RSA 186-C:3, that were overlooked when HB 1513 was adopted to meet federal law and regulations. There are eight places in the RSA that were mistakenly overlooked; this bill would amend these mistakes to maintain consistency.

Peter Mulvey 271-4063

FOR THE CONSENT CALENDAR

EDUCATION

HB 501, relative to ages for special education services.

Ought to Pass, Vote 5-0 .

Senator Carrie Gendreau for the committee.

As introduced, HB 501 provides for special education services to be available for children with disabilities until the age of 21 inclusive. The intent of HB 501 is to make technical corrections to sections of RSA 186-C:3, that were overlooked when HB 1513 was adopted to meet federal law and regulations. There are eight places in the RSA that were mistakenly overlooked; this bill would amend these mistakes to maintain consistency.

Docket of HB501		
01/11/2023	H	Introduced (in recess of) 01/05/2023 and referred to Education HJ 3 P. 18
01/18/2023	H	Public Hearing: 01/27/2023 11:15 am LOB 205-207
01/31/2023	H	Executive Session: 02/06/2023 09:30 am LOB 205-207
02/08/2023	H	Committee Report: Ought to Pass 02/06/2023 (Vote 20-0; CC) HC 11 P. 5
02/14/2023	H	Ought to Pass: MA VV 02/14/2023 HJ 5
03/07/2023	S	Introduced 02/22/2023 and Referred to Education; SJ 9
03/16/2023	S	Hearing: 03/21/2023, Room 101, LOB, 10:00 am; SC 14
03/22/2023	S	Committee Report: Ought to Pass, 03/30/2023; Vote 5-0; CC; SC 15
03/30/2023	S	Ought to Pass: MA, VV; OT3rdg; 03/30/2023; SJ 12
04/21/2023	S	Enrolled Adopted, VV, (In recess 04/13/2023); SJ 14
04/21/2023	H	Enrolled (in recess of) 04/06/2023
05/02/2023	H	Signed by Governor Sununu 04/26/2023; Chapter 7; Eff: 06/25/23

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 502

Senate Committee: Education

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:


Committee Aide

7-31-23
Date

Senate Clerk's Office _____