

Bill as Introduced

HB 308 - AS INTRODUCED

2005 SESSION

05-0507

04/10

HOUSE BILL **308**

AN ACT relative to the special education payment distribution schedule and relative to alternative dispute resolution proceedings in special education.

SPONSORS: Rep. Claire Clarke, Merr 6; Rep. Dunn, Ches 3; Rep. Rush, Merr 7

COMMITTEE: Education

ANALYSIS

This bill amends the special education payment distribution schedule for children in certain court ordered placements and clarifies the department of education's jurisdiction in alternative dispute resolution proceedings.

This bill is a request of the department of education.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Five

AN ACT relative to the special education payment distribution schedule and relative to
alternative dispute resolution proceedings in special education.

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

1 1 Special Education; Liability for Educationally Disabled Children in Certain Court Ordered
2 Placements. Amend RSA 186-C:19-b, II(c) to read as follows:

3 (c) The department of education shall distribute special education payments under
4 subparagraph II(a) [~~on or before January 1~~] ***within 60 days of receipt of invoice from the school***
5 ***district***. School districts shall submit education service providers costs to the department [~~by~~
6 ~~June 30 of each fiscal year~~] ***within 30 days of receipt of such costs***. The department shall then
7 verify the cost and distribute the appropriate amounts [~~for the previous fiscal year on or before~~
8 ~~January 1 of each year~~] ***to the education service provider***.

9 2 Special Education; Alternative Dispute Resolution. Amend RSA 186-C:23 to read as follows:

10 III. Alternative dispute resolution proceedings shall be [~~nonbinding~~] ***confidential*** and shall
11 not impair the right of the participants to demand a due process hearing. [~~Alternative dispute~~
12 ~~resolution proceedings shall be confidential.~~] Information, evidence, or the admission of any party
13 shall not be disclosed or used in any subsequent proceeding. Statements made and documents
14 prepared by a party, attorney, or other participant in aid of such proceeding shall be privileged and
15 shall not be disclosed. In addition, the parties shall not introduce into evidence in any subsequent
16 proceeding the fact that there was an alternative dispute resolution proceeding or any other matter
17 concerning the conduct of such proceedings. ***The authority of the department of education in***
18 ***alternative dispute resolution proceedings initiated under this section shall be limited to***
19 ***the provisions of paragraphs I and II.***

20 3 Effective Date. This act shall take effect 60 days after its passage.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 308

BILL TITLE: relative to the special education payment distribution schedule and relative to alternative dispute resolution proceedings in special education

DATE: February 8, 2005

LOB ROOM: 205 **Time Public Hearing Called to Order:** 1:00 pm

Time Adjourned: 1:11 pm

(please circle if present)

Committee Members: Reps. ~~S. L'Heureux, Hess, Naro, Balboni, Carter, Hagan, Ingbreteon,~~
~~Newton, W. Campbell, Easson, Asselin, Remick, Stiles, Ward, Snyder, Yeaton, Jean, Claire Clarke,~~
~~Rush, Dunn, Casey and Rous.~~

Bill Sponsors: Rep. Claire Clarke, Merr 6; Rep. Dunn, Ches 3; Rep. Rush, Merr 7

TESTIMONY

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

***Rep. Claire Clarke** - Prime sponsor- This bill is a request of the Department of Education, to correct inconsistencies in language. An audit revealed the department was not in compliance with payment of services. Change is to agree with current practice. Also this bill will clarify 186-C:23.

In Response to Questions
"nonbinding" is redundant - line 10

Ralph Tilton - Department of Education. (Supports)
- arbitration is only binding between the two participants
- this necessitated changes in Sec. 2

In Response to Questions
Feds objected to "nonbinding" - held up eligibility certificate

Respectfully submitted,



Rep. Timothy E. Easson,
Clerk of House Education Committee

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB ~~308~~ 308

BILL TITLE:

DATE: February 8, 2005

LOB ROOM: 207 Time Public Hearing Called to Order: _____

Time Adjourned: _____

(please circle if present)

Committee Members: Reps. S. L'Heureux, Hess, Naro, Balboni, Carter, Nagan, Ingbretson,
Newton, W. Campbell, Casson, Asselin, Remick, Stiles, Ward, Snyder, Yeaton, Jean, Claire Clarke,
Rush, Dunn, Casey and Rous.

Bill Sponsors:

TESTIMONY

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

308
HB ~~408~~

CTO: 1:00 PM
ADJ: 1:11 PM

*Rep. Clame Clarke (Ps)

Bill is a Request Dept - Ed

- to correct inconsistencies in language
- AN revealed the department was
- Audit → not in compliance w/ payment of services. Change^{is} to agree w/ current practice

Also bill will

- Clarify 186-C:23.

Ques:

- "nonbinding" is redundant - line 10

Ralph Tilton - NH Dept of Ed (pro)

- arbitration is only binding b/w the 2 participants.
- this necessitated changes in sec. 2

Ques:

- ~~addition of "con"~~ feds objected to "nonbinding" held up eligibility certificate

Testimony

HB 308
Rep. C. Clarke

This bill is requested by the DOE to clarify of RSA186-C:19(b)II(c) and C:23 III because of inconsistency of language with practice.

In audits conducted by the Legislative Budget Office in 2000 and 2002, it was noted that the Department of Education was not in compliance to (c) regarding payments for service for those students in court ordered placements. The current RSA states that the payment for these services will be made once a year on or before January 1st. The Department is asking to change the RSA to agree with the current practice of Department, which is to pay the vendor invoicing for services within 60 days after receipt of the invoice..

The second part of the bill is to clarify RSA 186-C:23 to eliminate the word "nonbinding" and replace it with confidential. We also propose striking the sentence "Alternative dispute resolution proceedings shall be confidential" and adding at the end of that paragraph the sentence "The authority of the department of education in alternative dispute resolution proceedings initiated under this section shall be limited to the provisions of paragraphs I and II."

Voting Sheets

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 308

BILL TITLE: relative to the special education payment distribution schedule and relative to alternative dispute resolution proceedings in special education.

DATE: February 17, 2005

LOB ROOM: 207

Amendments:

Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Clarke

Seconded by Rep. Dunn

Vote: 14-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

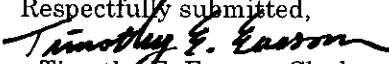
Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 14-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Timothy E. Easson, Clerk

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on

HB308

BILL TITLE:

DATE: February 17, 2005

LOB ROOM: 207

Amendments:

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OLS Document #:

Sponsor: Rep.

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Moved by Rep. Clarke

Seconded by Rep. Dunn

Vote: 14-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 14-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Timothy E. Easson, Clerk

Committee Report

COMMITTEE REPORT

COMMITTEE: **Education**

BILL NUMBER: **HB 308**

TITLE: relative to the special education payment distribution schedule and relative to alternative dispute resolution proceedings in special education.

DATE: February 17, 2005

CONSENT CALENDAR YES NO

- OUGHT TO PASS
- OUGHT TO PASS WITH AMENDMENT
- INEXPEDIENT TO LEGISLATE
- REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT (Include Committee Vote)

This bill was requested by the DOE to clarify RSA 186-C: 19 (b) II (c) and C: 23 III. In audits conducted in 2000 and 2002, it was stated that the current RSA states that the payment for court ordered placements will be made once a year on or before January 1st. The DOE is requesting to change the RSA since the Department pays the vendor invoicing for services within 60 days after receipt of the invoice. The second part of the bill eliminates the word nonbinding and replaces it with confidential and adds at the end of that paragraph, "The authority of the department of education in alternative dispute resolution proceedings initiated to the provisions of paragraphs I and II."

Vote 14-0.

Rep. Claire Clarke
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Education

HB 308, relative to the special education payment distribution schedule and relative to alternative dispute resolution proceedings in special education. **OUGHT TO PASS**

Rep. Claire Clarke for Education: This bill was requested by the DOE to clarify RSA 186-C: 19 (b) II (c) and C: 23 III. In audits conducted in 2000 and 2002, it was stated that the current RSA states that the payment for court ordered placements will be made once a year on or before January 1st. The DOE is requesting to change the RSA since the Department pays the vendor invoicing for services within 60 days after receipt of the invoice. The second part of the bill eliminates the word nonbinding and replaces it with confidential and adds at the end of that paragraph, "The authority of the department of education in alternative dispute resolution proceedings initiated to the provisions of paragraphs I and II." **Vote 14-0.**

COMMITTEE REPORT

COMMITTEE: Education

BILL NUMBER: HR 308

TITLE:

DATE: 2/17/05

CONSENT CALENDAR YES NO

- OUGHT TO PASS
- OUGHT TO PASS WITH AMENDMENT
- INEXPEDIENT TO LEGISLATE
- REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT (Include Committee Vote)

Vote 14-0

Rep. Claine Clarke
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

dlw

USE ANOTHER REPORT FOR MINORITY REPORT

This bill was requested by the DOE to clarify RSA 186-C:19(b) II (c) and C:23 III. In audits conducted in 2000 + 2002 it was noted that the current RSA states that the payment for court ordered placements will be made once a year on or before Jan. 1st. The DOE is requesting to change the RSA since the Department pays the vendors invoicing for services within 60 days after receipt of the invoice. (over)

The second part of the bill eliminates the word nonbinding and replaces it with confidential and adds at the end of that paragraph "The authority of the dept. of education in alternative dispute resolution proceedings initiated under this section shall be limited to the provisions of paragraphs I and II,