

Rep. Ladd, Graf. 4  
Rep. Hill, Merr. 3  
March 15, 2021  
2021-0833h  
06/04

Amendment to HB 613-FN-LOCAL

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT relative to pooled risk management for unanticipated special education cost recovery.

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5 Amend the bill by deleting sections 1-2 and renumbering the original sections 3-7 to read as 1-5,  
6 respectively.

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8 Amend RSA 186-D:1 as inserted by section 4 of the bill by replacing it with the following:

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10 186-D:1 Definitions. In this chapter:

11 I. "Cost predictor spreadsheet tool" means an actuary-designed tool that can be used to  
12 predict future school district special education obligations based on past claims analysis.

13 II. "Enrollment and termination period" means the annual period of time determined by  
14 the department of education when school districts can join associations, leave associations, or switch  
15 associations.

16 III. "Risk pool" means a non-lapsing reserve account held by the state treasurer from which  
17 all cost recovery funding is derived. The account held by the treasurer may be funded by member  
18 school district assessments, insurance proceeds, interest, or other sources.

19 IV. "RSA 5-B special education cost recovery association" means a voluntary group of at  
20 least 5 school districts that form an association under the RSA 5-B risk pool provision specifically to  
21 deal with special education cost recovery.

22 V. "RSA 5-B special education cost recovery association governing board" means a group of  
23 at least 5 superintendents elected from the association members.

24 VI. "Unanticipated special education cost recovery" means the program providing school  
25 districts with expanded pathways to recover those costs that are directly associated with special  
26 education provided to students assigned to the school district and payable under RSA 186-C:18 that  
27 occur after school budgets are fixed.

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29 Amend RSA 186-D:3, V as inserted by section 4 of the bill by replacing it with the following:

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1           V. Annually assist the risk pool governing board by calculating the unreimbursed special  
2 education amounts to be paid to the risk pool member districts from the risk pool funds.

3           VI. Determine, and post in the appropriate place on the department website, the annual  
4 enrollment and termination period when associations can add school district members, and when  
5 school districts can join or terminate their participation in an association. The time period shall be  
6 an appropriate amount of time to allow school districts to evaluate association differences, obtain  
7 individualized cost of joining, and obtain internal authorization from the school board, if necessary.

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9 Amend RSA 186-D:4, VIII-IX as inserted by section 4 of the bill by replacing them with the following:  
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11           VIII. Risk pool funds shall be held in an interest-bearing, non-lapsing account under the  
12 control of each individual association. The governing body may withdraw the funds only by written  
13 request with signed board approval. The fund withdrawals shall be kept to a minimum number each  
14 year. Funds shall only be removed for payment of unreimbursed costs of all member districts and for  
15 administrative costs.

16           IX. The risk pool may be terminated by a resolution of the association governing board and  
17 notification to the secretary of state and the department of education. All funds shall be distributed  
18 to the districts after a professional audit to determine the rightful share. Disputes may be directed  
19 to the attorney general.