HOUSE BILL 1513-FN

AN ACT 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.


COMMITTEE: Education

AMENDED ANALYSIS

This bill modifies the definition of "child with a disability" to include persons up to 21 years of age. The bill also provides for reimbursement from the department of education for special education costs for students over age 21 until their 22nd birthday and provides funding 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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT 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.

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

264:1 Special Education; Definition; Child with a Disability. Amend RSA 186-C:2, I to read as follows:

I. "Child with a disability" means any person [3 years of age or older but less than 21 years of age] between the ages of 3 and 21, inclusive, who has been identified and evaluated by a school district according to rules adopted by the state board of education and determined to have an intellectual disability, a hearing impairment including deafness, a speech or language impairment, a visual impairment including blindness, an emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, acquired brain injury, another health impairment, a specific learning disability, deaf-blindness, multiple disabilities, or a child at least 3 years of age but less than 10 years of age, experiencing developmental delays, who because of such impairment, needs special education or special education and related services. "Child with a disability" shall include a [child] person between the ages of 18 to and 21 inclusive, who was identified as a child with a disability and received services in accordance with an individualized education program but who left school prior to his or her incarceration, or was identified as a child with a disability but did not have an individualized education program in his or her last educational institution.

264:2 Department of Education; Special Education; Students Age 21; Funding.

I. For the 2022-2023 school year, department of education shall be liable for all school district costs related to providing services to special education students over age 21 until their 22nd birthday. Upon application by a school district, the department shall provide reimbursement for any such costs, which were not otherwise compensated for through other forms of state education aid. To qualify for reimbursement, a school district shall have utilized any unexpended federal Individuals with Disabilities Education Act (IDEA) funds for the fiscal year 2022 and any available IDEA American Rescue Plan Act funds. Payments shall be made to school districts under the payment schedule of special education aid under RSA 186-C:18.

II. Notwithstanding any law to the contrary, any unexpended funds for biennium ending June 30, 2023, in account 06-56-56-560040-3043-629 (special education aid), shall not lapse and shall be made available to the department of education for the purpose of providing reimbursements under paragraph I. Any remaining unexpended funds after all reimbursements have been made shall be transferred to 06-56-56-562010-3015 (court ordered placements). If amounts available under this paragraph are insufficient to
cover reimbursements approved under paragraph I, an amount equal to the shortfall is hereby
appropriated to the department from the education trust fund created under RSA 198:39. The governor is
authorized to draw a warrant from the education trust fund to satisfy the state's obligation under this
section.

264:3 Effective Date. This act shall take effect upon its passage

Approved: June 24, 2022
Effective Date: June 24, 2022