

CHAPTER 230
SB 394-FN - FINAL VERSION

02/16/2022 0590s
21Apr2022... 1538h
4May2022... 1770h

2022 SESSION

22-3046
10/04

SENATE BILL ***394-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 to age 22.

SPONSORS: Sen. Kahn, Dist 10; Sen. Ward, Dist 8; Sen. Sherman, Dist 24; Sen. Whitley, Dist 15; Sen. Prentiss, Dist 5; Sen. Watters, Dist 4; Sen. Perkins Kwoka, Dist 21; Sen. Soucy, Dist 18

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 struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

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 to age 22.

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

1 230:1 Special Education; Definition; Child with a Disability. Amend RSA 186-C:2, I to read as
2 follows:

3 I. "Child with a disability" means any person ~~[3 years of age or older but less than 21 years of~~
4 ~~age]~~ ***between the ages of 3 and 21, inclusive***, who has been identified and evaluated by a school district
5 according to rules adopted by the state board of education and determined to have an intellectual
6 disability, a hearing impairment including deafness, a speech or language impairment, a visual
7 impairment including blindness, an emotional disturbance, an orthopedic impairment, autism, traumatic
8 brain injury, acquired brain injury, another health impairment, a specific learning disability, deaf-blindness,
9 multiple disabilities, or a child at least 3 years of age but less than 10 years of age, experiencing
10 developmental delays, who because of such impairment, needs special education or special education
11 and related services. "Child with a disability" shall include a [child] ***person between the ages of 18 [to] and***
12 ***21 inclusive***, who was identified as a child with a disability and received services in accordance with an
13 individualized education program but who left school prior to his or her incarceration, or was identified as
14 a child with a disability but did not have an individualized education program in his or her last educational
15 institution.

16 230:2 Department of Education; Special Education; Students Age 21; Funding.

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

25 II. Notwithstanding any law to the contrary, any unexpended funds for biennium ending June 30,
26 2023, in account 06-56-56-560040-3043-629 (special education aid), shall not lapse and shall be made
27 available to the department of education for the purpose of providing reimbursements under paragraph I.
28 Any remaining unexpended funds after all reimbursements have been made shall be transferred to 06-56-
29 56-562010-3015 (court ordered placements). If amounts available under this paragraph are insufficient to
30 cover reimbursements approved under paragraph I, an amount equal to the shortfall is hereby

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1 appropriated to the department from the education trust fund created under RSA 198:39. The governor is
2 authorized to draw a warrant from the education trust fund to satisfy the state's obligation under this
3 section.

4 230:3 Effective Date. This act shall take effect upon its passage.

Approved: June 17, 2022
Effective Date: June 17, 2022

