

HB 1513-FN - AS INTRODUCED

2022 SESSION

22-2166

10/08

HOUSE BILL ***1513-FN***

AN ACT relative to the definition of a child with a disability for purposes of special education.

SPONSORS: Rep. B. Boyd, Hills. 21; Rep. Cordelli, Carr. 4; Rep. Spillane, Rock. 2; Rep. Ladd, Graf. 4; Rep. McLean, Hills. 44; Rep. Moffett, Merr. 9; Rep. Verville, Rock. 2; Sen. Reagan, Dist 17; Sen. Watters, Dist 4

COMMITTEE: Education

ANALYSIS

This bill modifies the definition of "child with a disability" to include persons up to 21 years of age.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the definition of a child with a disability for purposes of special education.

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

1 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~~
4 ~~of age]~~ **between the ages of 3 and 21, inclusive**, who has been identified and evaluated by a school
5 district according to rules adopted by the state board of education and determined to have an
6 intellectual disability, a hearing impairment including deafness, a speech or language impairment, a
7 visual impairment including blindness, an emotional disturbance, an orthopedic impairment,
8 autism, traumatic brain injury, acquired brain injury, another health impairment, a specific learning
9 disability, deaf-blindness, multiple disabilities, or a child at least 3 years of age but less than 10
10 years of age, experiencing developmental delays, who because of such impairment, needs special
11 education or special education and related services. "Child with a disability" shall include a ~~[child]~~
12 **person between the ages of 18 [to] and 21 inclusive**, who was identified as a child with a
13 disability and received services in accordance with an individualized education program but who left
14 school prior to his or her incarceration, or was identified as a child with a disability but did not have
15 an individualized education program in his or her last educational institution.

16 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1513-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the definition of a child with a disability for purposes of special education.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input type="checkbox"/> General	<input checked="" type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

LOCAL:

Revenue	\$0	\$0	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill would change the definition of a “child with a disability” to include students through the age of 21 and up to when the child turns 22. Currently, the law defines a “child with a disability” as those students ages three (3) or older, but less than twenty-one (21).

Through its October 1, 2020, child count, the Department of Education identified children with disabilities within the New Hampshire Special Education Information System (NHSEIS), who are turning 21 over the next year, and who will be turning 21 in the next two years in a residential placement and considered high-cost children with disabilities:

- 6 children with disabilities turning 21 during the current school year (21-22)
- 9 children with disabilities turning 21 during the next school year (22-23)
- 9 children with disabilities turning 21 during the following school year (23-24)

The Department identified children with disabilities within the NHSEIS who are turning 21 over the next year and who will be turning 21 in the next two years in a separate school and considered high-cost children with disabilities:

- 26 children with disabilities turning 21 during the current school year (21-22)
- 22 children with disabilities turning 21 during the next school year (22-23)
- 39 children with disabilities turning 21 during the following school year (23-24)

While there would be some financial impact to districts, the amount is indeterminable as it would depend on the school the children with disabilities attend. For informational purposes, the Department has provided that an approved private provider of special education ranges from \$22,117 to \$140,359 annually.

In addition to the potential costs to school districts discussed above, this bill may impact state adequate education payments to the extent a special education student remains in district counts for an additional year. Therefore, this bill would result in an increase in state education trust fund expenditures and local school district revenue in FY 2024 and each year thereafter (one fiscal year lag based on data used for adequate education payments).

AGENCIES CONTACTED:

Department Education