

CHAPTER 185
SB 300 – FINAL VERSION

03/28/12 1363s
15May2012... 2142h

2012 SESSION

12-2894
04/09

SENATE BILL **300**

AN ACT relative to special education services in chartered public schools.

SPONSORS: Sen. Carson, Dist 14; Rep. Hunt, Ches 7

COMMITTEE: Education

AMENDED ANALYSIS

This bill establishes a procedure for the provision of special education and related services to a child with a disability who is enrolled in a chartered public school and requires chartered public schools to provide due process in the provision of special education and related services to children with disabilities.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to special education services in chartered public schools.

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

1 185:1 Chartered Public School; Funding. Amend RSA 194-B:11, III to read as follows:

2 III.(a) In accordance with current department of education standards, the funding and
3 educational decision-making process for children with disabilities attending a chartered public school
4 shall be the responsibility of the [school] **resident** district and shall retain all current options
5 available to the parent and to the school district.

6 (b) *When a child is enrolled by a parent in a chartered public school, the local
7 education agency of the child's resident district shall convene a meeting of the
8 individualized education program (IEP) team and shall invite a representative of the
9 chartered public school to that meeting. At the meeting, the IEP team shall determine how
10 to ensure the provision of a free and appropriate public education in accordance with the
11 child's IEP. The child's special education and related services shall be provided using any
12 or all of the methods listed below starting with the least restrictive environment:*

13 (1) *The resident district may send staff to the chartered public school; or*

14 (2) *The resident district may contract with a service provider to provide the
15 services at the chartered public school; or*

16 (3) *The resident district may provide the services at the resident district
17 school; or*

18 (4) *The resident district may provide the services at the service provider's
19 location; or*

20 (5) *The resident district may contract with a chartered public school to
21 provide the services; and*

22 (6) *If the child requires transportation to and/or from the chartered public
23 school before, after, or during the school day in order to receive special education and
24 related services as provided in the IEP, the child's resident district shall provide
25 transportation for the child.*

26 (c) *Consistent with section 5210(1) of the Elementary and Secondary Education
27 Act and section 300.209 of the Individuals with Disabilities Education Act, when a parent
28 enrolls a child with a disability in a chartered public school, the child and the child's*

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1 *parents shall retain all rights under federal and state special education law, including*
2 *the child's right to be provided with a free and appropriate public education, which*
3 *includes all of the special education and related services included in the child's IEP. The*
4 *child's resident district shall have the responsibility, including financial responsibility, to*
5 *ensure the provision of the special education and related services in the child's IEP, and*
6 *the chartered public school shall cooperate with the child's resident district in the*
7 *provision of the child's special education and related services.*

8 185:2 Chartered Public Schools; Requirements. Amend RSA 194-B:8, I to read as follows:

9 I. A chartered public school shall not discriminate nor violate individual civil rights in any
10 manner prohibited by law. A chartered public school shall not discriminate against any child with a
11 disability as defined in RSA 186-C. *A chartered public school shall provide due process in*
12 *accordance with state and federal laws and rules.*

13 185:3 Effective Date. This act shall take effect 60 days after its passage.

14 Approved: June 11, 2012

15 Effective Date: August 10, 2012