

HB 651-FN-LOCAL - AS INTRODUCED

2015 SESSION

15-0530  
04/08

HOUSE BILL

***651-FN-LOCAL***

AN ACT

transferring the portion of special education costs directly related to health issues to the department of health and human services.

SPONSORS:

Rep. Seaworth, Merr 20; Rep. Baldasaro, Rock 5; Rep. Seidel, Hills 28

COMMITTEE:

Finance

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ANALYSIS

This bill requires the department of health and human services to be liable for a portion of a child's special education and related services resulting from a child's medical condition when requested by a school district.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                    transferring the portion of special education costs directly related to health issues  
to the department of health and human services.

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

1            1 New Subparagraph; Special Education; Liability for Expenses. Amend RSA 186-C:13, I by  
2 inserting after subparagraph (b) the following new subparagraph:

3                    (c) The department of health and human services shall be liable for payment of costs  
4 exceeding \$20,000 for a child's special education and related services resulting from a child's medical  
5 condition, as documented in the child's individualized education plan, when the school district  
6 requests such payment.

7            2 Effective Date. This act shall take effect 60 days after its passage.

**HB 651-FN-LOCAL FISCAL NOTE**

AN ACT                    transferring the portion of special education costs directly related to health issues to the department of health and human services.

**FISCAL IMPACT:**

The Departments of Education and Health and Human Services state this bill, **as introduced**, will have an indeterminable impact on state and local expenditures in FY 2016 and each year thereafter. There will be no fiscal impact on state, county and local revenue, or county expenditures.

**METHODOLOGY:**

The Department of Education assumes the child's medical condition, since it is not clearly defined, means a "medically fragile child" whose impairment would be classified as "Other Health Impaired" (OHI). The Department states the number of students who have a disability of OHI and for whom expenditures are incurred for special education or related services is unknown. The only financial records kept are through the New Hampshire Special Education Information System and those student records are only reported if they reach the cap for catastrophic aid. The Department states financial records for students beneath the cap are not maintained for reporting. The Department is not able to determine the fiscal impact of this bill on school district expenditures.

The Department of Health and Human Services states this legislation refers to special education costs and related services resulting from a child's medical condition as documented in the child's individualized education plan (IEP). The Department indicates it does not have access to children's IEP's, special education costs, or information on the proposed funding mechanism. The Department states the legislation does not define "resulting from a medical condition" and cannot speculate on its meaning. The Department states the FY 2014 expenditures for the Medicaid to Schools Program were \$29.4 million. This amount represents federal Medicaid funds provided for children with Medicaid, but does not include other children with IEP's that are not receiving Medicaid. The Department indicates schools can only bill Medicaid if the child's parent or guardian consents to participation in the Medicaid to Schools Program. The Department states the bill will have an indeterminable impact on state and school district expenditures.