

SB 93-FN-LOCAL - AS INTRODUCED

2023 SESSION

23-1024

10/04

SENATE BILL ***93-FN-LOCAL***

AN ACT relative to the individualized education programs of chartered public school students.

SPONSORS: Sen. Avard, Dist 12; Sen. Murphy, Dist 16; Sen. Carson, Dist 14; Sen. Gannon, Dist 23; Sen. Pearl, Dist 17; Rep. Hill, Merr. 2

COMMITTEE: Education

ANALYSIS

This bill provides that for students in a chartered public school, the funding and educational decision-making process for children with disabilities is the responsibility of the chartered public school.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the individualized education programs of chartered public school students.

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

1 1 Chartered Public Schools; Children with Disabilities. RSA 194-B:11, III is repealed and
2 reenacted to read as follows:

3 III.(a) In accordance with current department of education standards, the funding and
4 educational decision-making process for children with disabilities attending a chartered public
5 school shall be the responsibility of the chartered public school and the parent who shall both retain
6 all current options available to the parent and to the chartered public school as it was at the local
7 public school.

8 (b) When a child is enrolled by a parent in a chartered public school, the local education
9 agency of the child's resident district shall convene a meeting of the individualized education
10 program (IEP) team and shall invite a representative of the chartered public school to that meeting.
11 At the meeting, the IEP team shall discuss and inform the chartered public school the processes they
12 found to work best to ensure the provision of a free and appropriate public education in accordance
13 with the child's IEP. For all subsequent meetings of the IEP team, the child's resident district shall
14 provide a representative of the resident public school to meet with the chartered public school IEP
15 team. The child's special education and related services shall be provided using any or all of the
16 methods listed below starting with the least restrictive environment:

17 (1) The chartered public school may contract with the resident district to send staff
18 to the chartered public school.

19 (2) The chartered public school may contract with a private service provider to
20 provide the services at the chartered public school.

21 (3) The chartered public school may contract with the resident district to provide the
22 services at the charter school.

23 (4) The chartered public school may provide the services at the service provider's
24 location.

25 (5) The chartered public school may contract with a chartered public school to
26 provide the services.

27 (6) If the child requires transportation to and/or from the chartered public school
28 before, after, or during the school day in order to receive special education and related services as
29 provided in the IEP, the child's chartered public school shall provide transportation for the child.

SB 93-FN-LOCAL - AS INTRODUCED

- Page 2 -

1 (c) Consistent with section 5210(1) of the Elementary and Secondary Education Act and
2 section 300.209 of the Individuals with Disabilities Education Act, when a parent enrolls a child with
3 a disability in a chartered public school, the child and the child's parents shall retain all rights under
4 federal and state special education law, including the child's right to be provided with a free and
5 appropriate public education, which includes all of the special education and related services
6 included in the child's IEP. The child's resident district shall have the responsibility, including
7 financial responsibility, to ensure the provision of the special education and related services in the
8 child's IEP while child is enrolled in the resident public school, and the chartered public school shall
9 assume said responsibility for the child's special education and related services including financially,
10 while child is a full student of the chartered public school. The resident district shall assist and
11 cooperate with the chartered public school to ensure the proper transfer of state and federal funds
12 sent for the purpose of implementing the IEP services to the child.

13 2 Effective Date. This act shall take effect 60 days after its passage.

LBA
23-1024
1/11/23

**SB 93-FN-LOCAL- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the individualized education programs of chartered public school students.

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill, **as introduced**, at this time. When completed, the fiscal note will be forwarded to the Senate Clerk's Office.

AGENCIES CONTACTED:

Department of Education