

CHAPTER 7
HB 501 - FINAL VERSION

2023 SESSION

23-0605
09/10

HOUSE BILL

501

AN ACT

relative to ages for special education services.

SPONSORS:

Rep. N. Murphy, Hills. 12; Rep. B. Boyd, Hills. 12; Rep. Kenney, Straf. 10; Rep. Rung, Hills. 12

COMMITTEE:

Education

ANALYSIS

This bill provides for special education services to children with disabilities through age 21 inclusive.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to ages for special education services.

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

1 7:1 Special Education; Granite State High School; Duties. Amend RSA 186-C:3-a, VII(b)(1) to read
2 as follows:

3 (1) Provide, on a weekly basis, a list of incarcerated inmates up to the age of 21 ***inclusive***
4 who are eligible to receive special education.

5 7:2 Education Required. Amend RSA 186-C:9 to read as follows:

6 186-C:9 Education Required. Each child who is determined by the local school district, or special
7 school district established under RSA 194:60, as having a disability in accordance with RSA 186-C:2 and
8 in need of special education or special education and related services shall be entitled to attend an
9 approved program which can implement the child's individualized education program. Such child shall be
10 entitled to continue in an approved program until such time as the child has acquired a regular high school
11 diploma or has attained the age of 21 ***inclusive***, whichever occurs first, or until the child's individualized
12 education program team determines that the child no longer requires special education in accordance with
13 the provisions of this chapter.

14 7:3 Surrogate Parents. Amend RSA 186-C:14, IV to read as follows:

15 IV. Appointment of Surrogate. Appointment of a surrogate parent under this section shall be
16 effective until the child reaches 18 years of age, and may be extended by order of the commissioner until
17 the child graduates from high school or reaches 21 ***inclusive*** years of age, whichever occurs first. If the
18 surrogate parent resigns, dies or is removed, the commissioner of the department of education or
19 designee, or the court with jurisdiction over the child's case, may appoint a successor surrogate parent in
20 the same manner as provided in paragraph III.

21 7:4 School Boards; Duty to Provide Education. Amend RSA 189:1-a, I to read as follows:

22 I. It shall be the duty of the school board to provide, at district expense, elementary and
23 secondary education to all pupils who reside in the district until such time as the pupil has acquired a high
24 school diploma or has reached age 21, whichever occurs first; ***or if the pupil is a "child with a disability"***
25 ***under RSA 186-C:2, I, until such time as the pupil has acquired a high school diploma or reached age 21***
26 ***inclusive***; provided, that the board may exclude specific pupils for gross misconduct or for neglect or
27 refusal to conform to the reasonable rules of the school, and further provided that this section shall not
28 apply to pupils who have been exempted from school attendance in accordance with RSA 193:5.

29 7:5 Student and Teacher Information Protection and Privacy; Definitions. Amend RSA 189:65, IV to
30 read as follows:

31 IV. "District", "school", or "school district" means a school district, including the school
32 administrative unit to which it may belong, and the high school educational program at the state prison or

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1 county jail in which an inmate under the age of 21 *inclusive or in which an inmate under the age of 21*
2 *inclusive who is a "child with a disability" under RSA 186-C:2, I*, is participating.

3 7:6 Special School District; Department of Corrections. Amend RSA 194:60, I to read as follows:

4 I. A special school district is established within the department of corrections, under RSA 21-H,
5 solely for the purpose of providing approved education programs pursuant to subparagraph IV(b) of this
6 section to eligible adult offenders ~~[under the]~~ *who either meet the definition of "child with a disability" under*
7 *RSA 186-C:2, I or are under* age ~~[of]~~ 21 *inclusive* who wish to participate.

8 7:7 Special School District; Department of Corrections. Amend RSA 194:60, VIII to read as follows:

9 VIII. The special school district shall not be required to provide special education programs or
10 services to children with disabilities aged 18 through 21 *inclusive* who, in the educational placement prior
11 to their incarceration in an adult correctional facility, were not actually identified as being a child with a
12 disability under RSA 186-C:2, or who did not have an individualized education program prior to their
13 incarceration in an adult correctional facility.

14 7:8 Access to Public School Programs by Nonpublic, Public Chartered Schools or Home Educated
15 Pupils. Amend RSA 193:1-c, I to read as follows:

16 I. Nonpublic, public chartered school, or home educated pupils shall have access to curricular
17 courses and cocurricular programs offered by the school district in which the pupil resides. The local
18 school board shall adopt a policy regulating participation in curricular courses and cocurricular programs,
19 provided that such policy shall not be more restrictive for non-public, public chartered school, or home
20 educated pupils than the policy governing the school district's resident pupils. In this section,
21 "cocurricular" shall include those activities which are designed to supplement and enrich regular academic
22 programs of study, provide opportunities for social development, and encourage participation in clubs,
23 athletics, performing groups, and service to school and community. For purposes of allowing access as
24 described in this section, a "home educated pupil" *includes any pupil who is a "child with a disability"*
25 *under RSA 186-C:2, I, until such time as such pupil has acquired a high school diploma or reached age 21*
26 *inclusive; but* shall not include any *other* pupil who has graduated from a high school level program of
27 home education, or its equivalent, or has attained the age of 21.

7:9 Effective Date. This act shall take effect 60 days after its passage.

Approved: April 26, 2023
Effective Date: June 25, 2023