

FROM PARENT ADVOCATE BONNIE DUNHAM

NH's Legislature is Proposing to Minimize Education / Special Education Rights

Warning – This alert is longer than usual, but it is VERY important. Please read & follow up.

The House Education Committee has voted to recommend that the full House vote to pass HB 620, an Act relative to compliance with state and federal education mandates.

HB 620 will prevent NH's State Board of Education from proposing any rules that exceed state or federal minimum requirements. It allows the state board to propose a rule that exceeds the minimum federal requirements "only if, and to the extent that, state statute explicitly allows the state board to exceed the minimum requirements of federal law". This bill targets all education policy, including the special education rules, the *NH Rules for the Education of Children with Disabilities*.

What does this mean? Some background - NH's special education statute, RSA 186-C, ensures that NH meets at least the minimum requirements of the Federal special education law, the *Individuals with Disabilities Education Act*. RSA 186-C authorizes the state board to adopt special education rules, specifically listing areas in which they are to make rules, including eligibility and the development of the IEP, and adding, "and other matters related to complying with [this statute]". The *NH Rules for the Education of Children with Disabilities* are the rules adopted by the State Board of Education to implement NH's special education statute.

RSA 186-C says that it is the policy of the state that:

"I. All children in New Hampshire be provided with equal educational opportunities. It is the purpose of this chapter to ensure that all children with disabilities have available to them a free appropriate public education in the least restrictive environment that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.

II. The rights of children with disabilities and parents of such children are protected.

III. Local school districts, the department of education, and other public agencies or approved programs provide for the education of all children with disabilities".

The problem is: RSA 186-C does not say: "the State Board is explicitly allowed to exceed the minimum requirements of federal law to the extent they deem necessary to implement State law and to meet the purpose of RSA 186-C."

The impact: This is VERY serious. NH's special education rules include critical rights and protections that NH children with disabilities and their parents have worked for and relied on for decades! If HB 620 passed, it will trigger massive changes in education and special education policy, and it will erode the NH's critical special education rights and protections. Even the rules

that we have in place now, would revert to the minimum allowed by Federal law the next time the NH rules are revised or reauthorized.

The *NH Rules for the Education of Children with Disabilities* reflect NH's values. They include important rights and protections that:

- Support parental involvement and that foster parent/school collaboration (research shows that parent involvement is a primary factor in children's school success);
- Make the process more efficient, proactive and clear, reducing the likelihood of misunderstandings (NH has a VERY low number of due process hearings, which are both adversarial and expensive);
- Protect students from harm (requirements intended to ensure student safety); and
- Provide accountability and transparency, while
- Being cost-effective, utilizing sound business practices, and producing results (the percentage of NH's students with disabilities who are graduating with a regular high school diploma are among the highest in the nation, as are the percentage of children with disabilities who are employed and/or attending post-secondary education programs within one year after leaving high school. The drop-out rate for children with disabilities in NH is very low. These outcomes are in the public interest; they have a positive economic impact for the individual with a disability and for the NH.

The full House will now vote on HB 620. The date has not yet been set, but it will likely be March 8th or 9th. When the full House votes, they can either vote to pass HB 620, or to kill the bill (by voting it "inexpedient to legislate"). **If the House votes to kill the bill, HB 620 will not move forward, and it will not become law.** But, if the House votes to pass HB 620, it will move on to the Senate; then if it passes the Senate, HB 620 will go to the Governor. If the Governor signs then HB 620, it becomes law. Let's not let that happen – We can end this NOW!!

What can you do? Here is your "to-do" list; check each box as you complete it.

EVERYONE who cares about children with disabilities needs to:

- Read this alert.**
- Write a letter. If you wrote a letter asking the House Education committee to kill HB 620, thank you. Committee members were very impressed by the volume of calls, letters and emails they received, including many from parents of children with disabilities and a letter from the State Board of Education – all opposing HB 620. You can use that same letter again. If you have not yet written a letter, get out a pen and start now!** (You don't have to say a lot – You can just make a very brief statement like: *"please vote against this bill"; "the current NH special education rules are important and should not be reduced"; "I appreciate that NH is more clear than the Federal special education law and goes beyond the Federal minimum when it makes sense for NH", or "Please do not stop the State Board*

from passing the kind of rules that have led to positive outcomes for our children". Tell them what these rights mean to you and your child.)

Find your legislators; you can look up your legislators (Representatives) and their contact information

at: <http://www.gencourt.state.nh.us/house/members/housemembers.html>.

Write (letter or e-mail) AND telephone ALL of your State Representatives to ask them to vote against HB 620.

Ask your family and friends to write and call all of their State Representatives (they need to hear from as many people as possible). Numbers WILL make all the difference.

Send a copy of your letter to the Speaker of the House, Rep. Jasper at: shawn.jasper@leg.state.nh.us

Contact Governor Sununu at 271-2121 to ask him to please oppose HB 620. This bill does not reflect NH's values or its commitment to its children. HB 620 will harm our children. You may also contact the Governor by email (there is a strict character limit) by going to his contact page

at: <https://business.nh.gov/nhgovernor/comments.asp>

On a personal note: *My son, Sean, benefitted from the rights & protections provided by our NH special education rules. Sean is now an active and contributing member of his community; he has a full and happy life; he pays taxes, and he cares about his fellow citizens. I know that Sean, and our family, were fortunate that parents and advocates who came before us enacted laws and made policies and systems that allowed our son to have a good life. I now have a responsibility to "pay it forward" so that today's children (and tomorrow's children) have the same opportunities as Sean. So, whether your child is an infant, toddler, school-age child or even if you have no personal involvement in special education, but care about your fellow citizens and want to protect the values that are so important to NH, please make this issue your issue. It truly is important to ALL of us.*

If you have questions, or wish to join the e-mail action alert list (or to have your name removed from the list), please contact Bonnie Dunham at home – bsdunham12@gmail.com

HB 620 – AS AMENDED

HOUSE BILL **620** – AN ACT relative to compliance with state and federal education mandates.

SPONSORS: Rep. Ladd, Graf. 4; Rep. Cordelli, Carr. 4; Rep. V. Sullivan, Hills. 16; Rep. Barry, Hills. 21; Rep. Weyler, Rock. 13; Rep. McGuire, Merr. 29; Rep. Hinch, Hills. 21; Rep. Seidel, Hills. 28; Sen. Giuda, Dist 2; Sen. Reagan, Dist 17; Sen. Avard, Dist 12

COMMITTEE: Education

ANALYSIS – This bill prohibits the state board of education from proposing rules that require a school district to comply with a federally mandated curriculum, method of instruction, or statewide assessment program which necessitates the expenditure of local revenues. The bill also repeals a statute relating to rules which exceed state or federal minimum requirements.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

AN ACT relative to compliance with state and federal education mandates.

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

1 Compliance With Federal Provisions. Amend RSA 186:6 to read as follows:

186:6 Compliance With Federal Provisions. The state board may also make the regulations necessary to enable the state to comply with the provisions of any law of the United States intended to promote vocational or other education, to abolish illiteracy and Americanize immigrants, to equalize educational opportunities, to promote physical health and recreation, and to provide an adequate supply of trained teachers. ***The state board shall not propose rules that require a school district or school to expand or modify activities to implement a curriculum, method of instruction, or statewide assessment program that necessitates additional expenditures from local revenues. The state board shall not propose a rule pursuant to RSA 541-A that exceeds the minimum requirements of state or federal law. Proposed rules designed to implement federal law may exceed the minimum requirements of federal law only if, and to the extent that, state statute explicitly authorizes the state board to exceed the minimum requirements of federal law.***

2 Repeal. RSA 186-C:16-c, rules exceeding state or federal minimum requirements, is repealed.

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