**A Few Additional Points to Consider About HB 620**

Here are just 5 of many reasons to vote against the committee of conference’s recommendation for HB 620:

1. **HB 620 is not clear.** What exactly does “unreimbursed expenditure” mean? NH gets Federal dollars through the Federal special education law; would this mean that we could exceed the Federal minimum up to that dollar amount? How would that be calculated and tracked? Would it mean that there would have to be specific designations for which funds could be used for each service or activity? How would other forms of reimbursement, including Catastrophic Aid and Medicaid to Schools funding factor in? What does “administrative burden” mean? If a requirement means that an administrative assistant needs to spend an extra 10 minutes to send out a meeting notice and related documents, but it increases the efficiency of the meeting and reduces the likelihood of needing a follow-up meeting, is that an administrative burden – or a time and cost saving measure? If this bill passes, school administrators, parents, and attorneys will spend much time arguing about what does and does not impose or necessitate unreimbursed expenditures or administrative burdens on the local school district. As the State Board noted in their 2/17/2017 letter to the House Education committee, “… there has been confusion in the past as to what constitutes “exceeds” with respect to state or federal minimums. Rules that are meant to clarify statutory language could be considered exceeding minimal requirements under HB 620’s provisions.”
2. **HB 620 is unnecessary.** RSA 186-C, NH’s special education statute clearly specifies all of the areas in which the state board is obliged to adopt rules related to the implementation of the statute, and to ensure that the purpose of the statute can be achieved. After the State Board, with public input, passes rules, the legislature has the last word – through the Joint Legislative Committee on Administrative Rules (JLCAR). This process has provided an essential check and balance system that is working as is. Further restrictions are not needed

In many areas, NH does not exceed IDEA; it instead clarifies it or describes how we will implement the requirements in IDEA. When NH does go beyond the Federal requirements, doing more doesn’t mean “more costly” or “more cumbersome”. In most cases, it means more clear, more supportive of parent-school partnerships, and more likely to maintain the integrity of the special education process and result in positive outcomes.

1. **HB 620 is not fiscally responsible.** Part of the purpose of special education (according to RSA 186-C) is to prepare our children for “further education, employment and independent living”. NH’s students with disabilities have among the highest graduation rates and lowest drop-out rates in the nation. NH also has a higher percentage of students with disabilities who are enrolled in higher education and/or employed one year after leaving high school than the national average. These positive outcomes benefit the individual student, but they also benefit all NH citizens. Well-educated and employed students with disabilities are an economic resource for NH. If we provide the minimum, we can expect to get the minimum in return. Does NH really want lower graduation rates, higher drop-out rates, lower test scores, and fewer students with disabilities working or attending post-secondary education after high school?

HB 620 will not save money. The NH Department of Education informed the Senate Finance committee in 2011 that reducing NH’s rules to the minimum level allowed by the Federal law ***would not*** result in any cost savings at either the State or local level.

1. **HB 620 is regressive.** A key purpose of RSA 186-C is that “the rights of children with disabilities and parents of such children are protected”. If NH were to pass HB 620, effectively stopping any future rules from going beyond the minimum requirements of Federal or State statute, it would be a first step in eroding the critical rights and protections in the *NH Rules*. That is the opposite of protecting the rights of children with disabilities and their parents.

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 in the form recommended by the committee of conference passes, 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.

1. **HB 620 will harm children.** The Federal law sets the bar low (it is the minimum). Lowering our expectations, rolling back our standards, rights and protections, and letting the Federal government decide just how little we can do is not consistent with NH’s values. Our children experience many challenges in their lives; our state legislature should advocate for our children and not be one of the challenges they and we have to fight against!