



Special Education and SAU Consolidation

February 24, 2026

Eric Pauer, President SDGA

President@sdganh.org

School District Governance Association of NH

Eric Pauer

- President, SDGA-NH
- 50 year NH resident, 31 years in Brookline, married/father of 2
- Former Hollis/Brookline Co-Op School Board Member (3 years)
- Secretary, Brookline/Mason/Greenville Republican Committee (2009-Present)
- Delegate to Republican State Convention (2nd term)
- Brookline Planning Board (2021–Present)
- 30+ year Engineer/Manager, B.S./M.S. in Electrical Engineering
- 30-year Air Force veteran, retired Colonel (1988-2018)
- Advocate for fiscal restraint and educational excellence in local government and in legislation
- Volunteer Special Education Advocate

SDGA Focus

Focused on responsible governance, fiscal prudence, and academic excellence in our NH public schools and for NH students.



SB57 - Committee to Study Reducing the Number of SAUs in the State

- 7 member committee – Fall 2025
- Report sent to Governor, Senate President, House Speaker, Senate Clerk, House Clerk, State Librarian
- <https://gc.nh.gov/statstudcomm/committees/1732/reports/Final%20Report.pdf>
- Recommended SAU consolidation plan inspired by SDGA as legislation – HB1804



State of New Hampshire

GENERAL COURT
CONCORD

MEMORANDUM

DATE: November 1, 2025

TO: Honorable Sherman Packard, Speaker of the House
Honorable Sharon Carson, President of the Senate
Honorable Paul C. Smith, House Clerk
Honorable Tammy L. Wright, Senate Clerk
Honorable Kelly Ayotte, Governor
State Librarian

FROM: Representative Dan McGuire, Chair

SUBJECT: Final Report of the Committee to Study Reducing the Number of School Administrative Units (SAUs) in the State
SB 57, Chapter 220:1, Laws of 2025

Pursuant to SB 57, Chapter 220:1, Laws of 2025, we are pleased to present to you the report of the Committee to Study Reducing the Number of School Administrative Units (SAUs) in the State. The committee would like to thank the many organizations and individuals who shared their knowledge and experience with us. We would particularly like to praise the invaluable assistance of our Committee Researcher, Jennifer Foor. Without her help our work would not have been possible.

If you have any questions or comments regarding this report, please do not hesitate to contact me.

Enclosures

cc: Members of the Committee

HB1804 - SAU Consolidation - Key Provisions

- Bill Title: Consolidating school administrative units, making chief school administrator jobs an elected position, and defining education roles.
- Sponsors
 - **Prime Rep. Dan McGuire** (Vice Chair House Finance)
 - House Speaker Packard
 - Majority Leader Osborne
 - Speaker Pro Tempore Kofalt
 - **Rep. Drye** (Clerk of House Education Policy/Admin)
 - **Rep. Layon** (Chair House ED&A)
 - Rep. Peternel (Advisor to Speaker, Vice Chair House Education Policy/Admin)
 - Rep. Pauer (Chair of House Municipal & County Gov't)
 - **Sen. Keith Murphy** (Chair of Senate Education Finance)
 - **Sen. Victoria Sullivan** (Vice Chair of Senate Education)
 - Sen. Ruth Ward (Chair of Senate Education)

Member - Committee To Study Reducing the Number of SAUs in the State

HB1804 - SAU Consolidation - Key Provisions

- **Consolidating SAUs:** Reduce the current 109 local school administrative units to **one SAU per county**, plus one each for Manchester and Nashua—**12 SAUs total**, effective in 2029. Local SAUs would be eliminated except in the two largest cities.
- **Strengthening local control:** School boards would work directly with building principals on core academic responsibilities—curriculum, instruction, course of study, school policies, teacher hiring and retention, and budgeting.
- **Creating an elected Chief Education Administrator:** Each county SAU would be led by a **county-elected** Chief Education Administrator.

HB1804 - SAU Consolidation - Key Provisions

- **Modernizing administrative functions:** County SAUs would handle all business and operational functions currently performed by local SAUs, but with far greater efficiency. Each county SAU would operate as a **county department**, with its budget recommended by county commissioners and approved by the county delegation (the county's state representatives). This approach is used in many other states.
- **Improving accountability:** NH Department of Education experts recently testified in the Senate (on HB 121) that county-level SAUs would significantly improve oversight and help prevent severe financial failures like those seen in the Claremont School District.
- These ideas are not new. A **1993 legislative study** found that consolidating SAUs—then numbering 67—**could reduce administrative costs by up to 80%**, but the political will was lacking at the time. Today, with costs even higher, the need for reform is far more urgent.

HB1804 – Enrollment and SAU History

- 1992 – 168,557 students, 67 SAUs, **\$33,745,756**
- 2006 – 205,767 students (peak)
- 2024 – 162,660 students, 107 SAUs, **\$158,160,832**
 - 1,582 employees in SAUs (\$100K/employee cost)
- 2025 – 160,323 students, 109 SAUs, **\$\$\$\$\$?**

- July 1992 to July 2024 (**32 years**)
 - CPI-U rose 2.24X
 - **SAU costs rose 4.69X, more than double the rate of inflation, with fewer students**

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**80% Savings
would save
\$126.5M**

HB1804 - SAU Consolidation – SPED Benefits

- County SAU special education specialists
 - Document preparation, processing, updates
 - IEPs and 504 plans
 - Improved access to SPED grants and aid
 - Continuity of staff expertise (staff turnover, retirement, etc.)
- Delivery of SPED services
 - Better coordination among school districts
 - Assessment – trained professionals (initial, recurring)
 - Sharing best practices for service delivery
 - Out of district placement and services coordination
 - Cost Efficiency
 - Fewer SAUs for Dept of Education to support
- Cost effective legal services – by SAU staff attorneys (\$) vs. private attorneys (\$\$\$)

Special Education (SPED) Topics

- History and Laws – IDEA/SPED and ADA/Section 504
- What is SPED? What is Section 504?
- SPED Trends in NH
- IDEA Disability Categories, Trends, Suspected Causes
- Assessments, Scoring, and Identification
- SPED/504 Disagreements, Dispute Resolution
- SPED Observations
- SPED – State Level, District/SAU Level
- SPED Funding – Federal, State, Local
- SPED Costs
- Current/Pending Legislative Studies on SPED
- Action Ideas – Legislators, School Boards, Budcoms, Parents/Taxpayers
- Summary

History of Special Education (SPED)

- Education for All Handicapped Children Act (EHA)
 - Passed in 1975 as Public Law 94-142
 - Guarantees a **Free Appropriate Public Education (FAPE)** for children with disabilities
 - Promised Federal funding at 40% of the average per pupil expenditure to help offset the cost educating of SPED students
- Individuals with Disabilities Education Act (IDEA)
 - 1990 reauthorization as Public Law 110-476
 - Individualized Education Programs (IEPs)
 - Least Restrictive Environment (LRE)
 - Procedural safeguards for families

Section 504 of the Rehabilitation Act of 1973 and Americans with Disabilities Act (ADA)

- Applies to any program or activity receiving federal financial assistance, including public schools
- Section 504 regulations require a school district to provide a **Free Appropriate Public Education (FAPE)** to each qualified student with a disability
- Prohibits discrimination based on disability/impairment and requires schools to provide reasonable accommodations
- Covers students who:
 - Have a physical or mental impairment that substantially limits one or more major life activities
 - Have a record of and are regarded as having such an impairment
- Broader criteria than IDEA

NH SPED Laws and Rules

Federal/NH Law, NH Rule	Description
34 CFR §300	Federal Law implementing the Individuals with Disabilities Education Act (IDEA)
29 U.S.C. §794 (Section 504)	Federal Law implementing Section 504 of the Rehabilitation Act of 1973 and Americans with Disabilities Act (ADA) in 1990.
NH RSA 186-C	NH's primary special education statute. Defines eligibility, services, dispute resolution, and funding mechanisms.
NH Standards for the Education of Children with Disabilities (Ed 1100)	Administrative rules that implement RSA 186-C and IDEA. Includes timelines (e.g., 60-day evaluation), consent requirements, and IEP procedures.
NH Procedural Safeguards Handbook	Outlines parent and student rights, dispute resolution options, and due process protections.
NH Standards in Excess Chart	Highlights areas where NH rules exceed federal IDEA requirements (e.g., tighter timelines, wider eligibility definitions).

Special Education (SPED)

- Ensures **Free Appropriate Public Education (FAPE)**
- Starts with a disability suspected in a student/child
 - Typically raised by parents, teachers, or school administrators
 - School District “Child Find” Requirements (Ed 1105)
- Referral – team meeting, needs addressed via regular educations interventions or is there disability?
- Evaluation – testing by certified or licensed evaluators using evidence-based testing; requires parental consent; examples of tests
 - Wechsler Intelligence Scale for Children (WISC-V)
 - Stanford-Binet Intelligence Scales
 - Woodcock-Johnson Tests of Cognitive Abilities
 - Kaufman Assessment Battery for Children (KABC-II)

Special Education (SPED) – con't

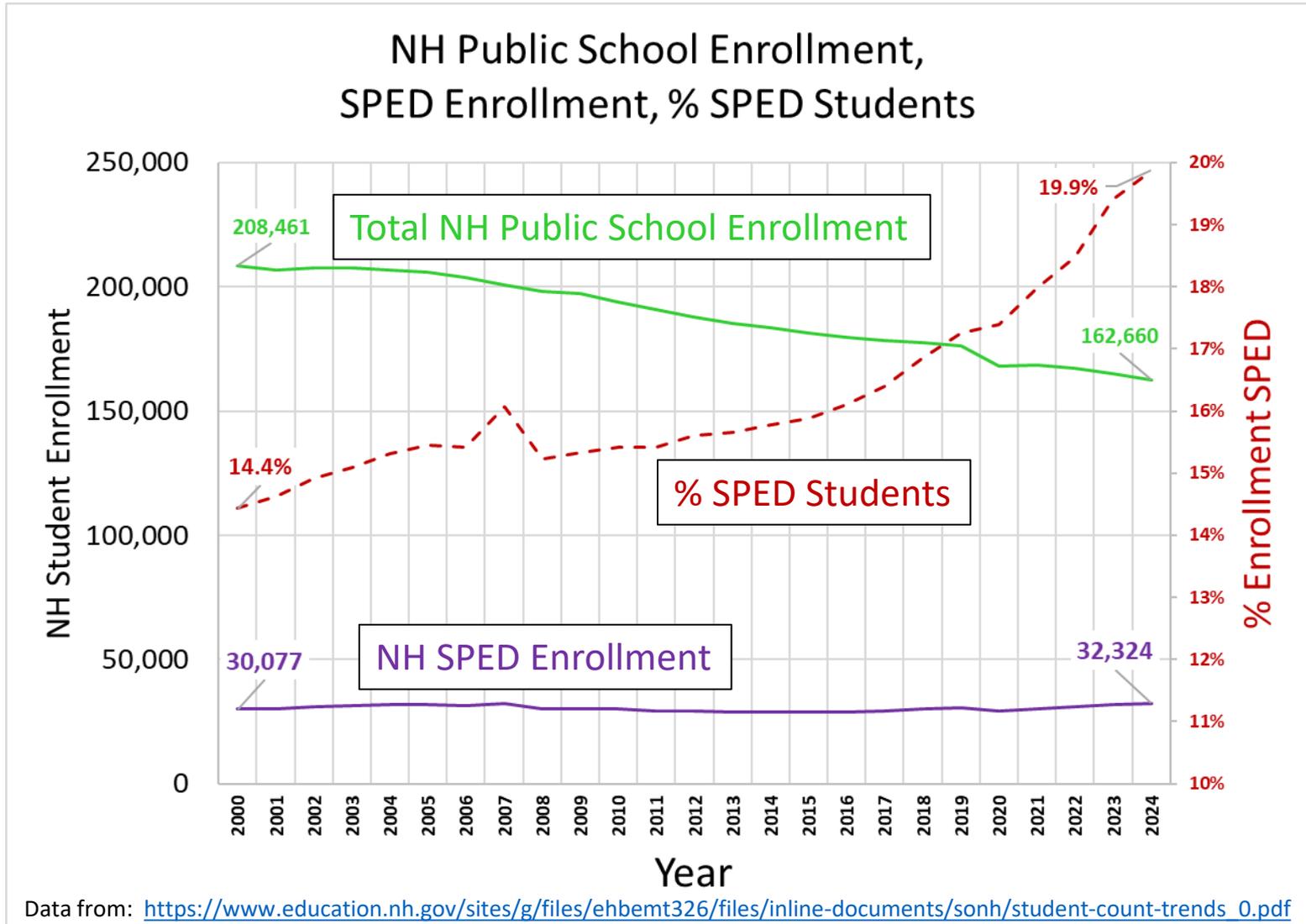
- Determination of Disability / Eligibility
 - Student must be identified for one of 14 disability categories in NH Standards
 - Must have disability requiring SPED and its related services for FAPE
- Development/Approval of Individual Educational Plan (IEP) or 504 Plan
 - Current level of performance, annual goals
 - Accommodations and services to support achievement of goals
 - Updated annually (or more frequently if required)
- Educational Placement
 - Least restrictive environment
- Monitoring
 - Quarterly - IEP (or 504 plan) progress report, report cards
 - Re-evaluation of disability required at least every 3 years
- Adult student (18+ years old) replaces parents' role (unless student restores that role)
- SPED ends with any of the following: high school graduation; age 22; testing indicates SPED no longer needed for FAPE

Special Education Mandate

- Special Education, as a “mostly” unfunded mandate by the federal (and state) governments, is negatively impacting both special education and regular education
- New Hampshire Constitution, Part 1, article 28-a, prohibits state unfunded mandates
- Local taxpayers have to pick up much of the costs – creating significant challenge for school boards and budget committees to provide a proper education to their students
- Number of public special education students (SPED) and the commensurate costs are growing rapidly; number of SPED students is up an average of 11% statewide in the last four years (FY20 to FY24), per data from NH Dept of Education

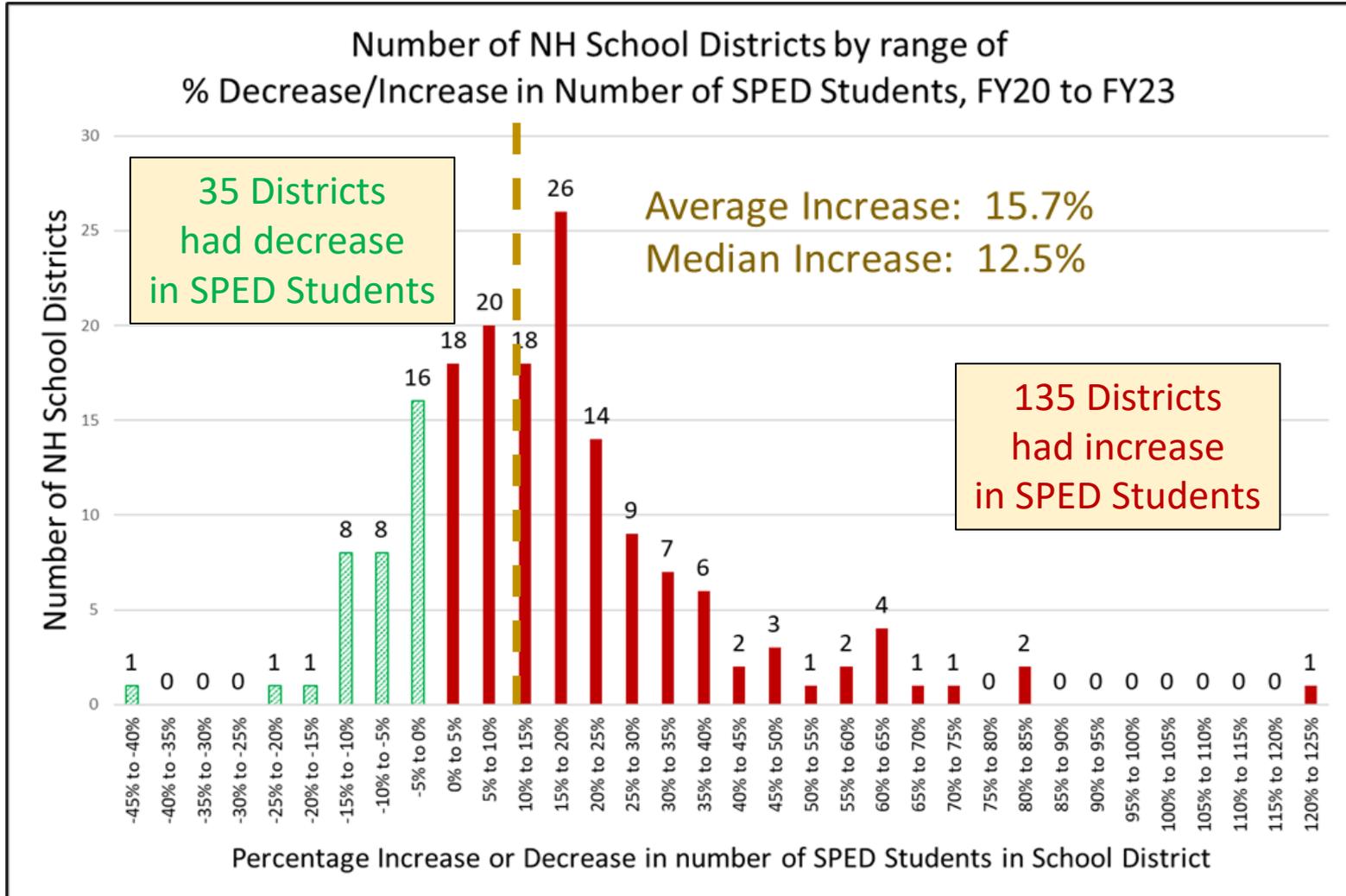
504 Plans (ADA)

- Local Responsibility
 - School districts use local funding to implementing 504 plans
 - This includes staffing, accommodations, and any services
- No State Reimbursement
 - NH does not reimburse districts for costs associated with 504 accommodations, such as assistive technology or therapy services
- Federal Mandate, No Federal Dollars
 - Section 504 is federally mandated, but unfunded—meaning schools must comply without receiving federal or state aid
- NH students with 504 plans are not counted in SPED statistics and are not tracked at state level
- U.S. Dept of Education estimates 5 to 6% of students nationwide have 504 plans (2.7 million)



SPED Trends

- NH public school enrollment **down 22%** since 2000
- Number of SPED students **up 7.5%** since 2000
- SPED students were 14.4% of students in 2000
- **SPED students are now 19.9% of students in 2024**
- Rapid acceleration from 2000 to 2024, number of NH SPED students increased 11%
- Students with 504 plans are 5% (estimated) and are not in SPED statistics
- Increases in new SPED identification is unequal in districts across the state



Data from: https://www.education.nh.gov/sites/g/files/ehbemt326/files/inline-documents/sonh/student-count-trends_0.pdf



SPED

IDEA Disability Categories

Special Education / SAU Consolidation

NEW HAMPSHIRE DEPARTMENT OF EDUCATION
STATEWIDE CENSUS BY DISABILITY
Ages 3 - 21 years old

YEAR	AUT	DB	DD	DF	ED	HI	MD	ID	OHI	OI	SLD	SP	TBI	VI	TOTAL
2000	397	5	1009	76	2554	225	419	1010	3747	172	13342	6898	62	161	30077
2001	474	6	1329	77	2561	234	384	996	4009	158	13229	6604	54	155	30270
2002	568	3	1650	70	2701	233	395	963	4183	158	13395	6456	59	147	30981
2003	667	5	1816	73	2687	218	411	982	4474	146	13391	6238	60	143	31311
2004	799	6	1966	69	2672	212	392	955	4767	120	13382	6136	60	139	31675
2005	905	6	2098	73	2580	213	393	934	4812	107	13272	6190	64	135	31782
2006	1060	4	2110	70	2519	214	385	895	4843	105	13000	6014	53	127	31399
2007	1320	6	2310	60	2683	221	407	924	5190	115	12984	5856	65	133	32274
2008	1427	4	2180	*	2363	262	419	823	4982	107	11990	5418	58	123	30156
2009	1593	5	2411	*	2352	258	397	831	5098	98	11620	5364	55	128	30210
2010	1727	6	2412	*	2294	251	401	822	5038	102	11266	5433	58	110	29920
2011	1943	8	2592	*	2268	250	403	789	5072	90	10743	5076	66	122	29422
2012	2191	9	2709	*	2196	237	406	764	5251	84	10365	4931	69	117	29329
2013	2419	9	2871	*	2138	228	408	748	5237	64	9943	4753	74	119	29011
2014	2573	9	3053	*	2139	224	403	755	5230	72	9674	4655	67	124	28978
2015	2714	10	3178	*	2107	223	374	775	5243	67	9439	4478	69	129	28806
2016	2870	10	3414	*	2052	208	390	809	5263	60	9250	4399	75	135	28935
2017	2954	9	3719	*	2041	200	393	829	5265	64	9219	4328	89	126	29236
2018	3142	11	4131	*	2095	177	385	838	5396	60	9255	4236	78	115	29919
2019	3254	14	4513	*	2133	190	389	825	5473	52	9272	4099	77	109	30400
2020	3175	17	4433	*	1936	201	386	814	5193	45	8948	3865	91	91	29195
2021	3231	11	4528	*	1892	183	388	835	5614	48	9767	3620	87	105	30309
2022	3456	10	4670	*	1774	163	393	830	5788	44	10077	3531	80	101	30917
2023	3730	9	5048	*	1763	150	381	866	6040	43	10235	3577	84	93	32019
2024	3990	9	5135	*	1700	169	403	864	6190	35	10148	3517	79	85	32324

IDEA DISABILITY CATEGORIES

- AUT- Autism
- DB - Deaf Blind
- DD - Development Delay
- DF - Deafness
- ED- Emotional Disturbance
- HI - Hearing Impairment
- MD - Multiple Disabilities
- ID - Intellectual Disability
- OHI - Other Health Impairment
- SLD - Specific Learning Disability
- OI - Orthopedic Impairment
- SP - Speech/Language Impairment
- TBI - Traumatic Brain Injury
- VI- Visual Impairment

Data from:
https://www.education.nh.gov/sites/g/files/ehbemt326/files/inlinedocuments/sonh/student_census_by_disability_1.pdf_0.pdf

Special Education / SAU Consolidation

NEW HAMPSHIRE DEPARTMENT OF EDUCATION STATEWIDE CENSUS BY DISABILITY Ages 3 - 21 years old

YEAR	AUT	DB	DD	DF	ED	HI	MD	ID	OHI	OI	SLD	SP	TBI	VI	TOTAL
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2005	905	6	2098	73	2580	213	393	934	4812	107	13272	6190	64	135	31782
2006	1060	4	2110	70	2519	214	385	895	4843	105	13000	6014	53	127	31399
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2015	2714	10	3178	*	2107	223	374	775	5243	67	9439	4478	69	129	28806
2016	2870	10	3414	*	2052	208	390	809	5263	60	9250	4399	75	135	28935
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2022	3456	10	4670	*	1774	163	393	830	5788	44	10077	3531	80	101	30917
2023	3730	9	5048	*	1763	150	381	866	6040	43	10235	3577	84	93	32019
2024	3990	9	5135	*	1700	169	403	864	6190	35	10148	3517	79	85	32324

Autism

10X increase since 2000
Causes: Vaccines?
Environmental? Foods?
Food additives?

Data from:
https://www.education.nh.gov/sites/g/files/ehbemt326/files/inlinedocuments/sonh/student_census_by_disability_1.pdf_0.pdf



SPED

Developmental Delay Trends

Special Education / SAU Consolidation

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Developmental Delay

5X increase since 2000

- Physical development
- Cognitive development
- Communication development
- Social or emotional development
- Adaptive development

Data from:
https://www.education.nh.gov/sites/g/files/ehbemt326/files/inlinedocuments/sonh/student_census_by_disability_1.pdf_0.pdf



SPED

Other Health Impairment Trends

Special Education / SAU Consolidation

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2023	3730	9	5048	*	1763	150	381	866	6040	43	10235	3577	84	93	32019
2024	3990	9	5135	*	1700	169	403	864	6190	35	10148	3517	79	85	32324

Other Health Impairment (OHI)

- 70% increase since 2000
- limited alertness in the educational environment
- ADHD
- Anxiety
- Asthma
- Diabetes
- Others

Causes – Smart Phones?
Social Media? Obesity?

Data from:
https://www.education.nh.gov/sites/g/files/ehbemt326/files/inlinedocuments/sonh/student_census_by_disability_1.pdf_0.pdf



SPED

Specific Learning Disability Trends

Special Education / SAU Consolidation

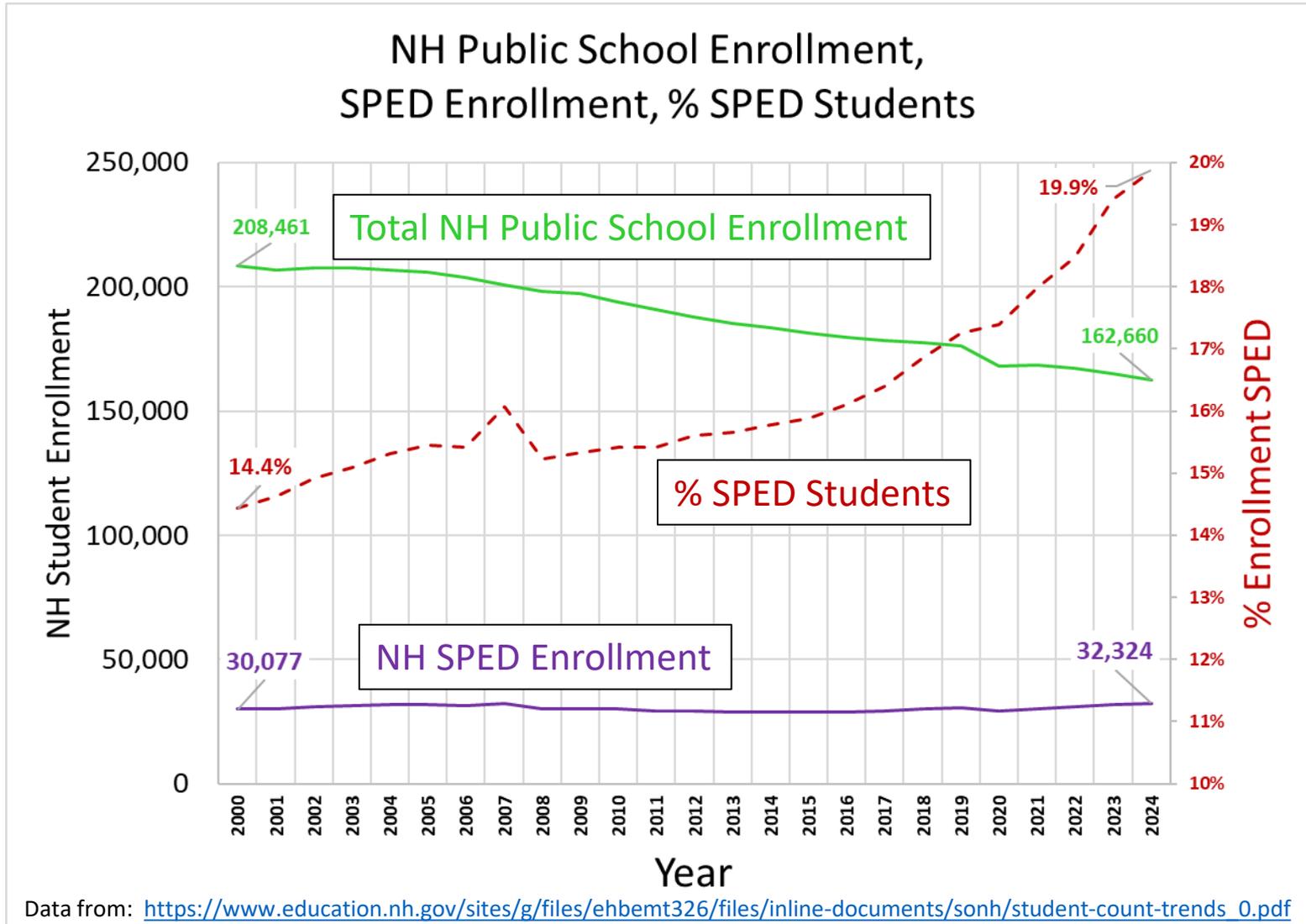
NEW HAMPSHIRE DEPARTMENT OF EDUCATION
STATEWIDE CENSUS BY DISABILITY
Ages 3 - 21 years old

YEAR	AUT	DB	DD	DF	ED	HI	MD	ID	OHI	OI	SLD	SP	TBI	VI	TOTAL
2000	397	5	1009	76	2554	225	419	1010	3747	172	13342	6898	62	161	30077
2001	474	6	1329	77	2561	234	384	996	4009	158	13229	6604	54	155	30270
2002	568	3	1650	70	2701	233	395	963	4183	158	13395	6456	59	147	30981
2003	667	5	1816	73	2687	218	411	982	4474	146	13391	6238	60	143	31311
2004	799	6	1966	69	2672	212	392	955	4767	120	13382	6136	60	139	31675
2005	905	6	2098	73	2580	213	393	934	4812	107	13272	6190	64	135	31782
2006	1060	4	2110	70	2519	214	385	895	4843	105	13000	6014	53	127	31399
2007	1320	6	2310	60	2683	221	407	924	5190	115	12984	5856	65	133	32274
2008	1427	4	2180	*	2363	262	419	823	4982	107	11990	5418	58	123	30156
2009	1593	5	2411	*	2352	258	397	831	5098	98	11620	5364	55	128	30210
2010	1727	6	2412	*	2294	251	401	822	5038	102	11266	5433	58	110	29920
2011	1943	8	2592	*	2268	250	403	789	5072	90	10743	5076	66	122	29422
2012	2191	9	2709	*	2196	237	406	764	5251	84	10365	4931	69	117	29329
2013	2419	9	2871	*	2138	228	408	748	5237	64	9943	4753	74	119	29011
2014	2573	9	3053	*	2139	224	403	755	5230	72	9674	4655	67	124	28978
2015	2714	10	3178	*	2107	223	374	775	5243	67	9439	4478	69	129	28806
2016	2870	10	3414	*	2052	208	390	809	5263	60	9250	4399	75	135	28935
2017	2954	9	3719	*	2041	200	393	829	5265	64	9219	4328	89	126	29236
2018	3142	11	4131	*	2095	177	385	838	5396	60	9255	4236	78	115	29919
2019	3254	14	4513	*	2133	190	389	825	5473	52	9272	4099	77	109	30400
2020	3175	17	4433	*	1936	201	386	814	5193	45	8948	3865	91	91	29195
2021	3231	11	4528	*	1892	183	388	835	5614	48	9767	3620	87	105	30309
2022	3456	10	4670	*	1774	163	393	830	5788	44	10077	3531	80	101	30917
2023	3730	9	5048	*	1763	150	381	866	6040	43	10235	3577	84	93	32019
2024	3990	9	5135	*	1700	169	403	864	6190	35	10148	3517	79	85	32324

Specific Learning Disability

10% increase since 2017
 - Most common diagnosed disability (31%)
 - Neurological disorder that affects a student's ability to acquire, process, or express information—despite having average or above-average intelligence.

Data from:
https://www.education.nh.gov/sites/g/files/ehbemt326/files/inlinedocuments/sonh/student_census_by_disability_1.pdf_0.pdf



Areas of SPED Identification Increase

- **Autism**: 10X increase since 2000, now increasing by 200 to 300 students annually statewide
- **Developmental Delay**: 5X increase since 2000, accelerated in post pandemic years (remote learning, masks?)
- **Other Health Impairment (OHI)**: 70% increase since 2020
 - limited alertness in the educational environment
 - ADHD, Anxiety, Asthma, Diabetes, Others
 - Causes – Smart Phones? Social Media? Obesity?
- **Specific Learning Disability**: +7% in past 7 years
 - Most common identification for SPED with broadest eligibility criteria

Suspected/Possible Causes of SPED Increase

- Increased diagnoses of anxiety, depression, and behavioral disorders
- COVID pandemic – remote learning, school lockdowns
- Mask mandates – no longer! (2025 HB361 (Rep Noble))
- Common Core Standards
- SPED eligibility to age 22 (2022 HB1513 (Rep B. Boyd))
- Greater awareness among educators and families
- Ineffective Teaching Methods (“Whole Language”)
- Impact of Childhood Vaccines, COVID Vaccines, thimerosal
- Poor Nutrition, Food Additives, Obesity
- Smartphone addiction (problematic smartphone use)

Assessments and Identification

- Importance of formal assessments, supported by informal assessments. Poor grades by itself does not justify SPED
- Evidence-based assessments need to demonstrate a true disability
 - Cognitive & Intelligence Tests - Used to assess intellectual functioning and identify learning disabilities or developmental delays
 - Academic Achievement Tests - Measure skills in reading, writing, math, and other academic areas
 - Adaptive Behavior Assessments - Evaluate daily living skills, social functioning, and independence
 - Behavioral & Emotional Assessments - Used to identify emotional disturbances, ADHD, or behavioral challenges
 - Speech, Language & Communication Tests - Assess expressive and receptive language abilities
 - Developmental & Screening Tools - Used for younger children
- Assessment Scores: standard scores, percentile rank, equivalent age

Assessment Scores

Scoring Uses:

“Bell” Curve

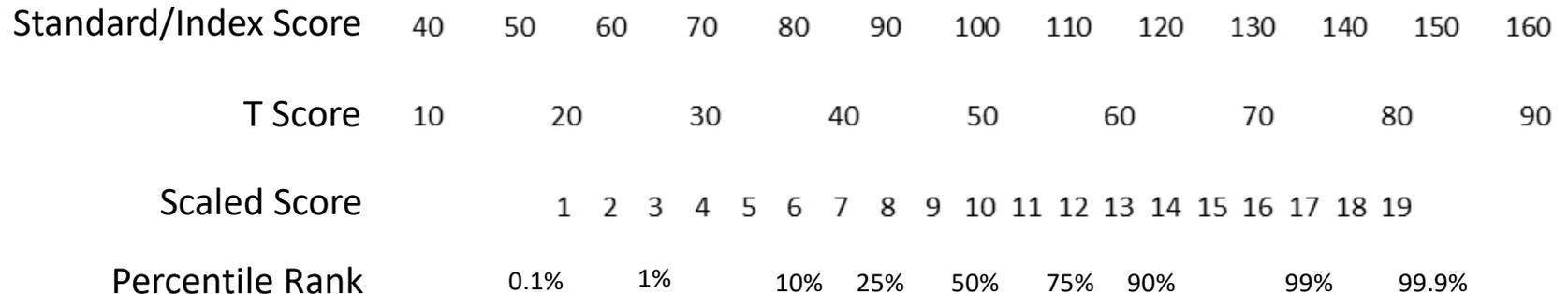
Normal Distribution

Gaussian Distribution

Standard/Index Score

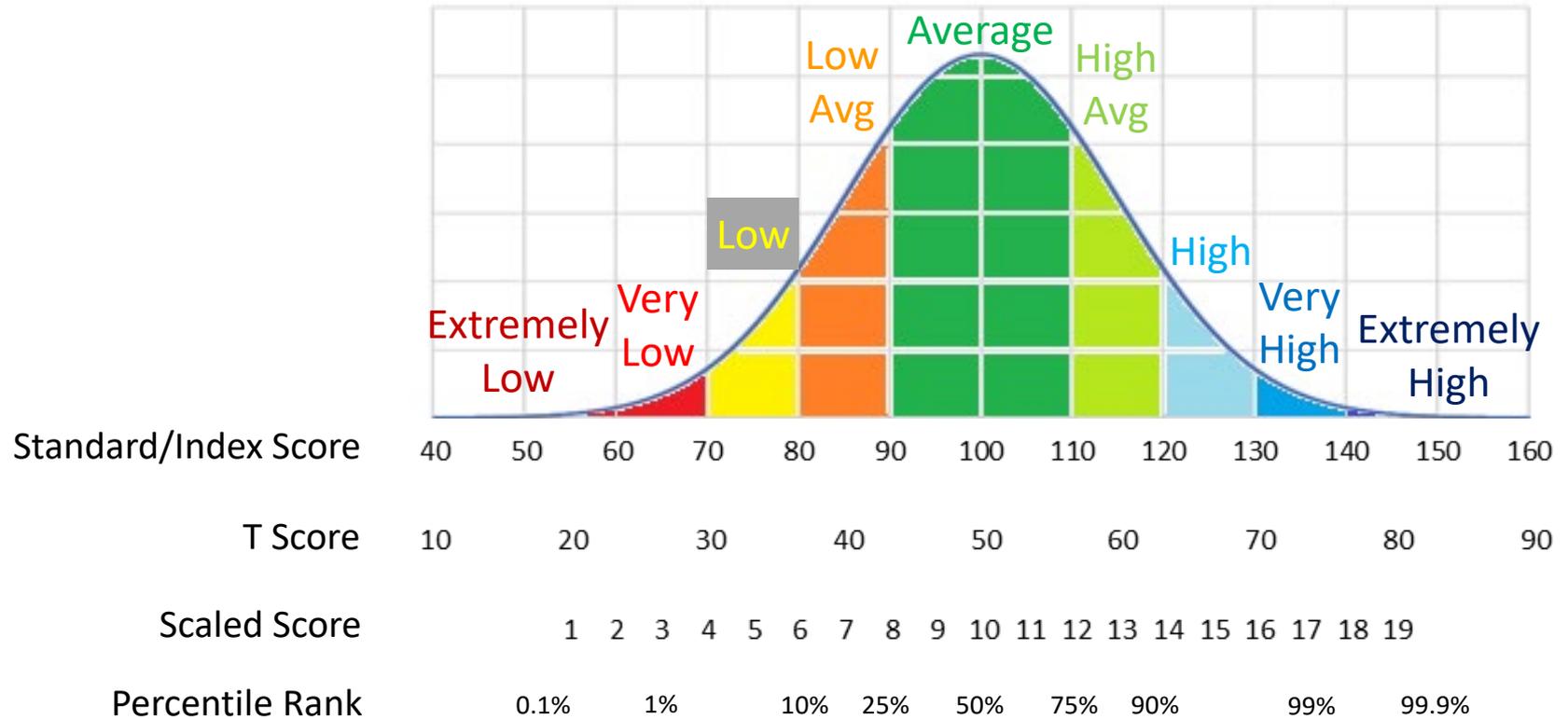
Mean $\mu = 100$

Standard Deviation $\sigma = 15$



Assessment Scores

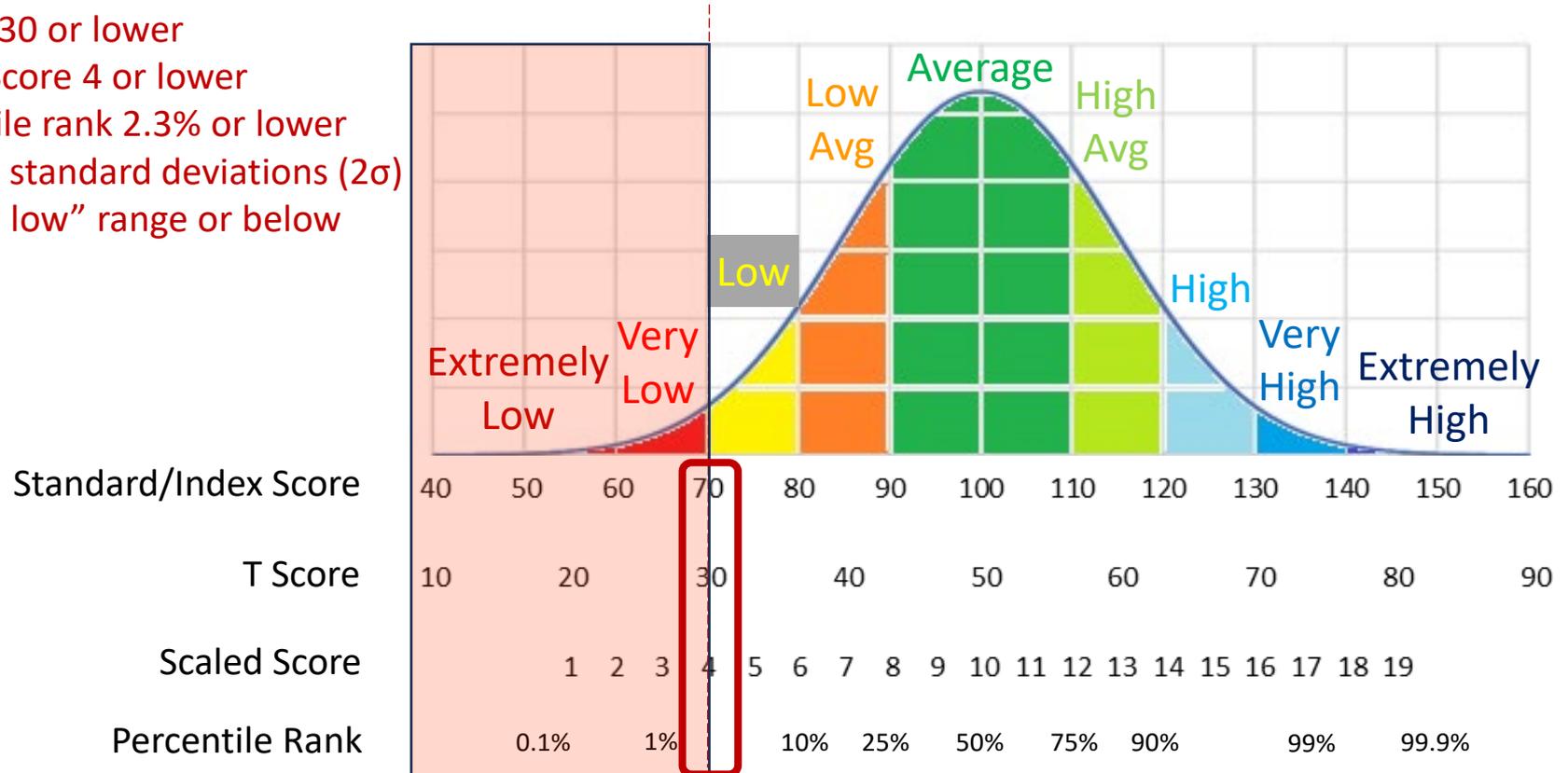
Assessment scoring falls into 9 ranges



Assessment Scores

Significant finding of learning difference (disability)

- Standard/Index Score 70 or lower
- T Score 30 or lower
- Scaled Score 4 or lower
- Percentile rank 2.3% or lower
- Below 2 standard deviations (2σ)
- In "Very low" range or below



Assessments and Identification

- Assessment team reviews and interprets results to determine if there is a disability (or more than 1)
- To qualify for SPED, a student must:
 - Have a disability as defined by IDEA
 - Need special education and related services because of that disability
- To qualify for 504 Plan, a student must
 - physical or mental impairment or disability that substantially limits one or more major life activities (broader than IDEA)
 - Need accommodations to access the same educational opportunities as their peers

IDEA Disability Categories

AUT- Autism
DB - Deaf Blind
DD - Development Delay
DF - Deafness
ED - Emotional Disturbance
HI - Hearing Impairment
MD - Multiple Disabilities
ID - Intellectual Disability
OHI - Other Health Impairment
SLD - Specific Learning Disability
OI - Orthopedic Impairment
SP - Speech/Language Impairment
TBI - Traumatic Brain Injury
VI - Visual Impairment

SPED/Section 504 Disagreements

- When parents do not agree with school district, there are options to resolve differences on
 - Evaluation / Assessments
 - Findings / Eligibility
 - IEP/504 Plan - goals, services, accommodations, or placement
 - Services
 - Eligibility for Extended School Year (ESY)
 - FAPE violations
- No oversight on the above – except Dispute Resolution
- School boards and budget committees have virtually no insight (or knowledge) when there are disputes

SPED Dispute Resolution

- Facilitated IEP Meetings: Neutral facilitator helps guide the team toward consensus (no cost to families)
- Mediation: Led by a trained, impartial mediator (no cost to families)
- Neutral Conference: Structured dialogue with a neutral moderator (often used when mediation fails or isn't appropriate) (no cost to families)
- State SPED Complaint: filed w/NH DoE Bureau of SPED Support, allege violation of law/rules, investigation/decision in 60 days (no cost to families)

SPED Dispute Resolution (con't)

- Due Process Hearing
 - Formal legal proceeding before a hearing officer
 - Includes discovery, witness testimony, cross-examination, legal arguments
 - Automatic discovery procedures now law
 - Makes it easier for parents to access key documents when challenging a school district's decisions. (2025 HB754 (Rep. N. Murphy))
 - Hearing officers can issue subpoenas to compel witnesses
 - Burden of proof is now on school districts instead of parents (2021 HB581 (Rep. Cordelli))
 - Decision(s) can be appealed to state or federal court (lawsuit)
 - May result in compensatory services, reimbursement, or corrective action

504 Plan Dispute Resolution

- U.S. Dept of Education, Office for Civil Rights oversees
- Negotiation: Informal discussions with school staff to revise or clarify the 504 plan
- Mediation: A neutral third party helps both sides reach a voluntary agreement
- Impartial Hearing: A formal proceeding where a hearing officer reviews evidence and issues a decision
- OCR Complaint: Filed with the U.S. Department of Education if you believe the school violated Section 504 (state has no role)
- Lawsuit: Legal action in court, typically a last resort due to cost and complexity

SPED Dispute Resolution Observations

- Facilitated IEP Meetings can be useful to keep team on track and build consensus (and inform of laws/rules/procedures)
- Mediation and Neutral Conference is a lower stakes way to try to resolve differences
- Due Process Hearings are involved and quite expensive
 - Parents disadvantaged unless they hire attorneys (\$\$\$)
 - School district costs typically covered by liability insurance (Primex) after deductible; almost unlimited \$\$\$ resources
 - Pool of 5 hearing officers (currently), who see the small number of SPED attorneys working for school districts
 - History: Hearing officers have often ruled in favor of the school district

SPED Observations

- School districts file complaints to DCYF for parents who advocate – “guilty” until proven innocent
 - 2025 HB243 (Rep. Spillane) attempted to add penalty for false DCYF reports (died in Committee of Conference)
- School districts convince parents to hire attorneys for due process hearings, sometimes bankrupting them
- The costs of due process hearings often greatly exceed the cost of services/placement under dispute
- School district costs typically covered by liability insurance after deductible; hard to see total costs as many expenses get built into “increased” liability insurance premiums
- Parents (or adult students) have to accept or reject all proposed services, or potentially face a due process hearing

SPED Observations (con't)

- SPED complaints, even if found to be a violation, results in warnings at best. Systemic complaints possible.
- Mostly no oversight by school board of SAU/School District SPED Director or Superintendent in their filing for due process hearings or their handling of complaints filed against the district
- Sometimes there are multiple IEP meetings over months to finalize IEP (i.e. not timely) – delay and deny model
 - IEP meetings always happen during school day (CBA restrictions)
- Privacy around SPED tends to isolate SPED parents from others in similar situations – need to connect with others
 - Office of the Special Education Advocate - <https://www.ase.nh.gov/>
 - Disability Rights Center of NH (DRC-NH) – <https://drcnh.org>
 - Parent Information Center (PIC) – <https://picnh.org/>
 - District Special Education Advisory Council (if exists)

SPED Observations (con't)

- School boards generally do not receive much insight into special education, except top level budget and maybe student counts
- Increasing number of school psychologists being hired
- School boards should be able to review anonymous data on SPED expenses for each student
- School boards are generally not notified of SPED complaints or Due Process Hearings, despite legal and cost exposure
- Asking questions about SPED brings out attacks on those who ask
- Some misconceptions that state law trumps federal law
- Rights of parents and students – all need to understand
 - 504 is a civil right in order to be taught
 - IDEA / IEP is an entitlement per federal law, once qualified
 - School district sometimes likes to frame 504 / IEP as a “favor”

State Level – SPED in NH

- NH Department of Education Division of Learner Support – Bureau of Special Education Support
 - Office of Finance and Data Management
 - Office of Special Education Training and Monitoring
 - Office of Special Programs
 - <https://www.education.nh.gov/who-we-are/division-of-learner-support/bureau-special-education-support>
- State Advisory Committee (SAC) on the Education of Children/Students with Disabilities (RSA 186-C:3-b)
 - Advises Commissioner on issues related to SPED, and promotes communication and cooperation among individuals involved with students with disabilities. SAC is also charged with reviewing the federal and state funding to determine impact on the programs and services to children/students with disabilities across NH
 - Monthly meetings, 38 members
 - <https://www.education.nh.gov/sites/g/files/ehbemt326/files/inline-documents/sonh/2023-2024-membership-public.pdf>



State Level – SPED in NH (con't)

- Office of the Special Education Advocate
 - Established by 2022 SB381 (Sen. Reagan)
 - Helps families understand their rights: IDEA, RSA 186-C, Ed 1100, Section 504, ADA
 - Guidance, coaching, and advocacy during the IEP/504 process
 - Attend meetings, assist with SPED dispute resolution, and offer strategic support
 - Collect statewide data to improve special education services and equity
 - <https://www.ase.nh.gov/>



SAU/District Level – SPED in NH

- SAU Level
 - Superintendent, Business Administrator, SPED Director, Assistants
 - Legal Counsel (contracted)
- District or Building Level (report to Principal and/or SAU ?)
 - SPED Coordinator(s)
 - SPED Case Managers and Teachers
 - Evaluation Team Members, School Psychologists
 - Paraprofessionals
 - Speech-Language Pathologists
 - Occupational Therapists
 - Physical Therapists
 - Behavioral Specialists / BCBA
 - Above may be employees or contracted

SAU/District Level – SPED in NH (con't)

- **2025 HB121** *“establishing local school district SPED parent advisory councils”*
 - Rep. Cordelli; Rep. M. Pearson; Rep. Spillane; Rep. Terry; Sen. Carson; Sen. Gannon; Sen. Ward; Sen. Watters
 - Requires school districts to each establish a **District Special Education Advisory Council (DSEPAC)**
 - Parent-led advisory body to promote collaboration, transparency, and advocacy around special education services – up to 11 parents as members
- **2025 HB564** *“relative to the adoption of school administrative unit budgets”*
 - Rep. Vose; Rep. Andrus; Rep. Harvey-Bolia; Rep. Pauer; Rep. Sellers; Rep. Sheehan; Rep. Creighton; Sen. Avard; Sen. Ward
 - Requires all SAUs have a separate budget via warrant article for transparency and accountability, especially for SAU-level special education costs
 - Most single district SAUs (75% of SAUs in NH) do not have separate budget and distributing their costs throughout school district budget.
 - SAU Special education costs

Federal Funding of SPED

- 50 years after EHA, Congress has never lived up to the 40% funding promise
- SPED funding nationally in FY2020
 - This 40% funding promise represented \$36.35 billion
 - Just \$12.76 billion was appropriated, gap of \$23.58 billion
 - Federal gov't funded 14.0% of SPED, far shy of the 40% promised
- SPED funding in New Hampshire in FY2020
 - This 40% funding promise represented \$143.8 million
 - Just \$51.6 million was appropriated, gap of \$92.2 million
 - Federal gov't funded 14.4% of SPED, far shy of the 40% promised
- Funding gap has significantly widened in past 5 years

HCR10 – Regarding SPED Federal Funding

- 2024 HCR10 “Urging Congress to increase federal funding for SPED services to reduce property taxes in NH”
 - Sponsors: Rep. Porcelli (Prime); Rep. Pauer; Rep. J. Nelson; Rep. Post; Rep. K. Perez; Rep. Seidel; Rep. Drye
- Passed unanimously on 1 Feb 2024 and resolution sent to:
 - President of the United States
 - President and the Secretary of the U.S. Senate
 - Speaker and the Clerk of the U.S. House of Representatives
 - New Hampshire's congressional delegation
- 2025 H.R. 2598 – IDEA Full Funding Act
 - Introduced to House on 2 Apr 2025 and referred to House Committee on Education & Workforce
 - 98 bi-partisan co-sponsors including Rep. Goodlander (NH-2) (<https://archive.ph/r8Aql>) but not Rep. Pappas (NH-1)

2025 State Education Adequacy Aid

Per-Pupil Aid Rates for FY 2026

Aid Category	Amount per Student
Base Adequacy Aid	\$4,265.64
Free/Reduced-Price Meal Eligible (F&R)	\$2,392.92
Special Education (IEP)	\$2,184.84
English Language Learner (ELL)	\$832.32

Per 2025 HB1/HB2

Average cost for SPED Student (IEP) in 2024 was \$49,813

State SPED (Catastrophic) Aid

SPED Reimbursement Tiers

Individual SPED Student Cost Range	Who Pays
Up to \$72,131	School district
\$72,131–\$203,230 (3.5x to 10x avg.)	State reimburses 80% of excess ‡
Above \$203,230	State reimburses 100% of excess ‡

‡ If available in allocated funds, otherwise prorated

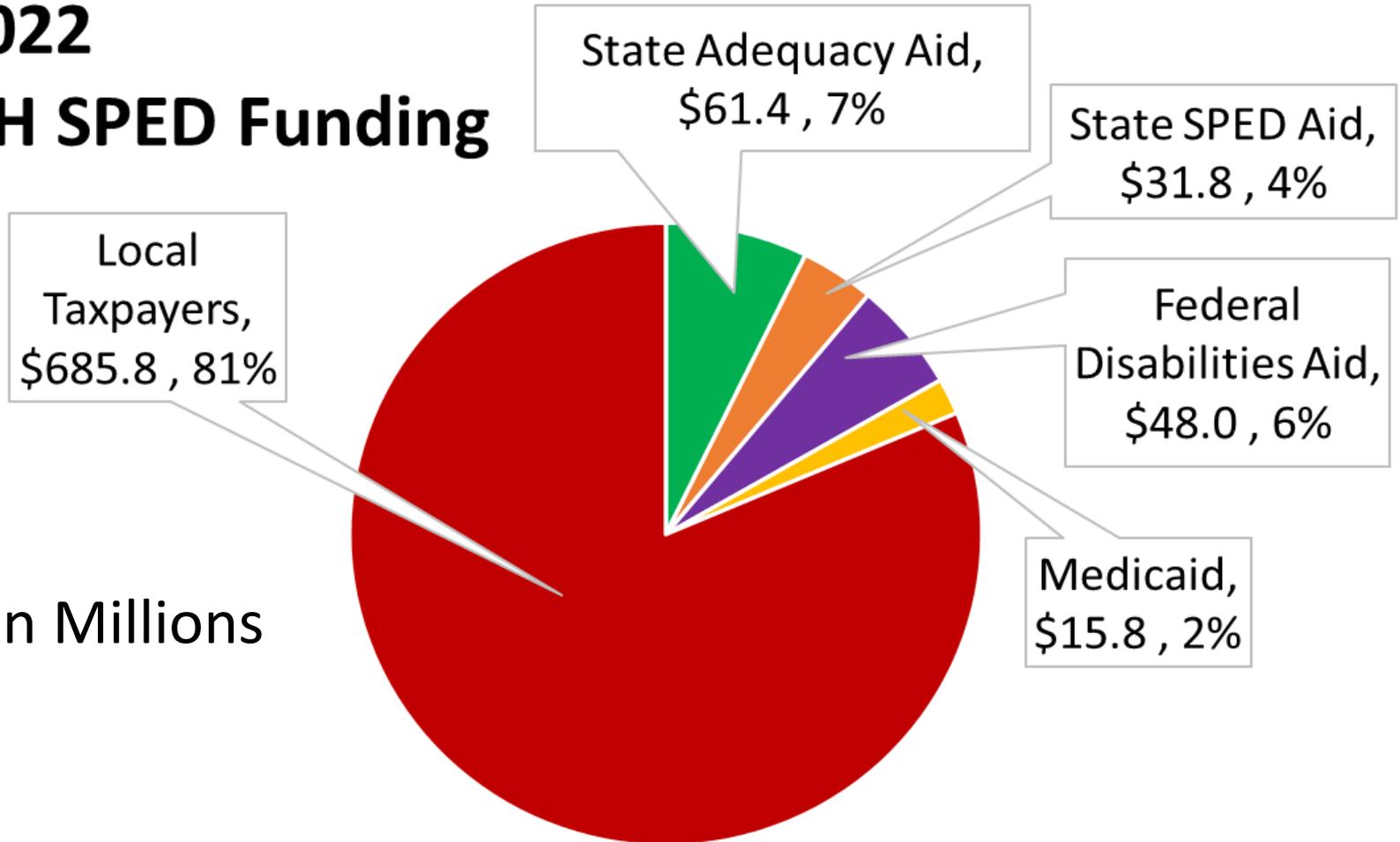
2025 State SPED (Catastrophic) Aid

- 2025 NH SPED (catastrophic) aid funding shortfall
- Districts requested \$50.3 million in state reimbursement for high-cost students
 - Those exceeding 3½ times state average per pupil cost, 80%
 - Those exceeding 10 times state average per pupil cost, 100%
- The state only appropriated \$33.9 million for this aid, leaving a \$16.4 million gap
- Districts received just 67.5% of the aid they were eligible for—down from 87% in 2023
- 2025 SB292 (Sen. Lang) (now law) guarantees that districts will receive at least 80% of this SPED aid in future years

2022 NH Special Education

2022 NH SPED Funding

\$ in Millions



2024 Special Education Costs

- 2024 NH public schools spent \$978.5 million on SPED for 32,324 students
- 24.6% of 2024 total public education expenditures, up from 23.4% in 2017
- The average cost to educate a student with an IEP in 2024 was \$49,813, compared to \$18,720 for students without special education needs.
- Add'l \$31,093 per special education student (average)
- State and federal aid covered 16.7% of SPED costs (\$162.9 million), remaining **83.3% of SPED costs paid by local taxpayers**



SPED

Private Provider Rates

Special Education / SAU Consolidation

New Hampshire Bureau of Special Education
Private Provider Approved Rates
School Year 2025 - 2026

Set per RSA 186-C:7-c

School	Program	Instruction	# of Days	Annual	OT-I	OT-G*	ST-I	ST-G*	PT-I	PT-G	Psych-I	Psych-G*
Birch Behavioral Therapy	Birch Behavioral Therapy	\$660.66	180	\$118,918.80								
Birch Behavioral Therapy	Birch Behavioral Therapy Summer	\$653.28	25	\$16,332.00								
The Birchtree Center	The Birchtree Center	\$696.40	221	\$153,904.40								
Cedarcrest	Day Program	\$360.34	240	\$86,481.60	\$75.16	\$25.05	\$21.44	\$64.33	\$21.94	\$65.84		
Easterseals Educational Programs	Gammon Academy at Zachary Road	\$309.31	240	\$74,234.40	\$93.03	\$31.01	\$71.35	\$23.78	\$79.87	\$26.62	\$94.46	\$31.48
Easterseals Educational Programs	Lancaster, Day	\$337.58	240	\$81,019.20	\$72.48	\$24.16	\$80.82	\$26.94	\$69.49	\$23.16	\$106.33	\$35.44
Enriched Learning Center	Enriched Learning Center School Year	\$221.18	180	\$39,812.40								
Enriched Learning Center	Enriched Learning Center Summer Services	\$201.39	10	\$2,013.90								
Granite Hill School	Granite Hill School	\$364.39	180	\$65,590.20							\$73.20	\$24.40
Granite Hill School	Granite Hill School Summer Services	\$335.90	18	\$6,046.20							\$73.20	\$24.40
Monarch School of NE	Monarch School of NE	\$464.57	200	\$92,914.00	\$131.47	\$43.82	\$106.09	\$35.36	\$108.91	\$36.30	\$165.19	\$55.06
Mount Prospect Academy	Mount Prospect Academy	\$388.86	220	\$85,549.20								
Mount Prospect Academy	Ashuelot Valley Academy	\$358.71	220	\$78,916.20								
Mount Prospect Academy	Squamscott River Academy	\$366.16	220	\$80,555.20								
Nashua Adult Learning Center	Clearway Program	\$189.07	180	\$34,032.60								
Nashua Children's Home	Nashua Children's Home	\$379.39	180	\$68,290.20								
NFI-North	Contoocook School	\$366.60	180	\$65,988.00								
NFI-North	Contoocook School-summer services	\$340.54	23	\$7,832.42								
Parker Academy	Parker Academy	\$410.69	180	\$73,924.20	\$90.24	\$30.08	\$73.22	\$24.40			\$99.67	\$33.22
Parker Academy	Parker Academy-Summer Services	\$229.70	20	\$4,594.00	\$90.24	\$30.08	\$73.22	\$24.40			\$99.67	\$33.22
Pine Haven Boys Center	Pine Haven Boys Center	\$277.39	200	\$55,478.00								
RSEC	RSEC Academy Program	\$366.54	180	\$65,977.20			\$75.30	\$25.10			\$101.00	\$33.66
RSEC	RSEC Academy-Summer Services	\$262.55	15	\$3,938.25			\$75.30	\$25.10			\$101.00	\$33.66
RSEC	Longview School Program	\$383.93	180	\$69,107.40			\$75.30	\$25.10			\$101.00	\$33.66
RSEC	Longview School - Summer Services	\$382.87	19	\$7,274.53			\$75.30	\$25.10			\$101.00	\$33.66
RSEC	Vista Learning Center	\$396.10	210	\$83,181.00			\$75.30	\$25.10			\$101.00	\$33.66
Seacoast Learning Collaborative	Seacoast Learning Collaborative	\$239.71	180	\$43,147.80								
Seacoast Learning Collaborative	Seacoast Learning Collaborative Summer Services	\$199.47	24	\$4,787.28								
Seacoast Learning Collaborative	The Skills Program	\$371.99	180	\$66,958.20								
Seacoast Learning Collaborative	The Skills Program Summer	\$209.44	38	\$7,958.72								
Second Start	Alternative High School Program	\$152.59	180	\$27,466.20								
Seven Hills at Crotched Mountain	Seven Hills at Crotched Mountain	\$487.64	220	\$107,280.80	\$108.99	\$36.33	\$108.76	\$36.25	\$151.68	\$50.56	\$134.30	\$44.76
Spaulding Academy & Family Services	intensive Program	\$520.96	236	\$122,946.56			\$75.61	\$25.20				
Spaulding Academy & Family Services	Medically Intensive Program	\$746.17	236	\$176,096.12			\$75.61	\$25.20				
Spaulding Academy & Family Services	Neurobehavioral & Autistic Program Day Program	\$589.75	236	\$139,181.00			\$75.61	\$25.20				
St. Charles School	St. Charles School	\$405.33	180	\$72,959.40	\$89.22	\$29.74	\$101.50	\$33.83			\$123.16	\$41.05
St. Charles School	St. Charles School Summer Services	\$328.62	18	\$5,915.16	\$89.22	\$29.74	\$101.50	\$33.83			\$123.16	\$41.05
Strafford Learning Center	John Powers School	\$381.28	180	\$68,630.40	\$53.19	\$17.73	\$60.50	\$20.16	\$63.89	\$21.29		
Strafford Learning Center	John Powers School - Summer Services	\$216.23	16	\$3,459.68	\$53.19	\$17.73	\$60.50	\$20.16	\$63.89	\$21.29		
Strafford Learning Center	John Powers Primary School	\$502.22	180	\$90,399.60	\$53.19	\$17.73	\$60.50	\$20.16	\$63.89	\$21.29		
Strafford Learning Center	John Powers Primary School - Summer Services	\$295.62	16	\$4,729.92	\$53.19	\$17.73	\$60.50	\$20.16	\$63.89	\$21.29		
Strafford Learning Center	Charles Ott Academy	\$389.00	180	\$70,020.00	\$53.19	\$17.73	\$60.50	\$20.16	\$63.89	\$21.29		
Strafford Learning Center	Rochester Learning Academy	\$267.08	180	\$48,074.40	\$53.19	\$17.73	\$60.50	\$20.16	\$63.89	\$21.29		
Strafford Learning Center	Rochester Learning Academy Summer	\$248.56	8	\$1,988.48	\$53.19	\$17.73	\$60.50	\$20.16	\$63.89	\$21.29		
Wediko Children's Services, Inc.	Home for Little Wanderers	\$403.14	222	\$89,497.08								
William Bridge Academy	William Bridge Academy	\$375.09	180	\$67,516.20	\$94.76	\$31.58	\$94.86	\$31.62			\$84.51	\$28.17
William Bridge Academy	William Bridge Academy Summer	\$183.41	16	\$2,934.56	\$94.76	\$31.58	\$94.86	\$31.62			\$84.51	\$28.17

<https://www.education.nh.gov/sites/g/files/ehbemt326/files/inline-documents/sonh/2025-2026-approved-rates-.pdf>

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Private Provider (School / Program) Rates

- Out of district placements
- Rates set annually by NH Dept of Education per RSA 186-C:7-c
- Wide Range of daily rates: \$153 to \$746
- Hourly rates (individual and group)
 - Occupational Therapy (\$53 to \$131)
 - Speech/Language Therapy (\$21 to \$109)
 - Physical Therapy (\$22 to \$152)
 - Psychological Therapy (\$73 to \$165)
- Does not include required district transportation (\$\$\$)

Special Education Aid – Factors

- Federal One Big Beautiful Bill (OBBB) will likely reduce Medicaid eligibility for some families, lowering some Federal aid that can be claimed from Medicaid (covered 2% of SPED costs in 2022)
- State law now matches federal law for SPED eligibility up to age 22 (2022 HB1513 (Rep. B. Boyd)), some cost increase
- IDEA B Funding (Federal)
 - Nominal funding is up, but real funding per student is down due to inflation
 - May be addressed by Federal 2025 H.R. 2598 – IDEA Full Funding Act

State Oversight – SPED Audit by LPAOC

- New Hampshire Legislative Performance Audit and Oversight Committee (LPAOC) – Group of State Reps and State Senators
- State Oversight of Special Education Audit
- Examining how well the NH Department of Education and local school districts comply with IDEA
- Includes 40 to 50 observations, indicating a broad and detailed review of systems, practices, and outcomes
- Audit team is working to conclude their fieldwork; draft report is anticipated to be completed by late summer or early fall 2025
- Expected Scope
 - Timeliness and accuracy of evaluations and IEPs
 - Procedural safeguards and dispute resolution
 - Funding mechanisms and cost-sharing
 - Monitoring and enforcement by the NH DOE
 - Equity and access across districts
- Findings expected to influence future policy, legislation, funding decisions

SB57 - SAU Consolidation Study Committee; Commission on SPED Costs

- 2025 SB57 “establishing a study committee to analyze reducing the number of school administrative units and establishing a commission to study the costs of special education”, signed by Governor 15 Jul 2025
 - Sen. Murphy; Sen. Lang; Sen. Carson; Sen. Sullivan; Sen. Innis; Sen. Ward; Sen. Pearl; Rep. Cordelli; Rep. Osborne
- **Created a study committee to analyze reducing the number of SAUs** in the state (2 Senators, 5 Representatives) – report published 1 Nov 2025
 - Important to understand options for managing SPED in local districts
- **Establishes a commission to study the cost of SPED in NH public schools**
 - 2 Senators, 5 Representatives, SPED Educator, DoE SPED Director, Advocate for SPED, Public Member, 2 SPED Advocates, DoE Commissioner, DHHS Commissioner (some members can be designees)
 - Findings and recommendations on 13 areas – Preliminary report by 1 Nov 2025, Final report 1 July 2026

Other SPED Legislative Wins

- 2025 HB10 Parental Bills of Rights (Speaker Packard)
 - Right to enroll his or her minor child in gifted or special education programs if the child qualifies for such programs
- 2025 HB2 “Bell-to-Bell” Cell Phone Ban (Rep. Litchfield)
 - Enables all students to focus on instruction / attention
 - Will likely be a transition
 - Law does enable cell phone use per IEP provisions
- 2025 HB361 Mask Mandate Prohibition (Rep. Noble)
 - Enables students to read facial expressions / social development
 - Especially important for PK and early grades for seeing speaker’s mouth, eyes, and full face
 - Masks altered attention patterns

SPED – Action Ideas for Legislators

- Legislation to provide school boards and budget committees more insight into SPED
 - 2025 HB388 (Rep. Porcelli) proposed public quarterly reports to school boards on SPED statistics within their district
 - RSA 186-C has only one reference to school boards, which addresses Program Approval, Monitoring, Corrective Actions
 - Except for above, school boards are generally not notified
 - Bill to provide school board notice of all due process hearings when scheduled and all SPED complaints when filed; also notice of final findings / decisions
- Some believe SPED is revenue generator for school districts
 - Currently no restriction on SPED line items or revenue (Federal / State aid) to be spent on non-SPED costs per bottom line budget; SPED aid paid in arrears
 - Requiring SPED \$ be used for SPED expenses, attempted in 2024 HB1509 (Rep. Verville) and 2025 HB237 (Rep. Belcher)

SPED – Action Ideas for Legislators (con't)

- Support legislation to focus on early reading assessment and intervention program (Attempted in 2024 HB437 (Rep. Cordelli))
- Support 2025 HB121 (Rep. Cordelli) “establishing local school district special education parent advisory councils” (modified into another bill)
- Support 2025 HB564 (Rep. Vose) “relative to school administrative unit budgets” (now in Senate)
- Support re-file of 2025 HB243 (Rep. Spillane) “relative to the penalty for false reports of suspected abuse and neglect made to the division for children, youth, and families” (died in Committee of Conference)

SPED – Action Ideas for Legislators (con't)

- HB1125 “enabling partisan school district elections” (Rep. Wherry) (refile of 2025 HB356 – was vetoed)
- HB1272 “providing that each candidate's party affiliation be printed on the town or school district ballot” (Rep. Wherry)
- Legislation to allow parents (or adult students) accept a subset of proposed services instead of all or nothing – will reduce disputes including due process hearings
- Legislative recommendations from pending commission and audit
 - SB57 (Sen. Murphy) Commission to study the cost of SPED in NH public schools
 - preliminary report published 1 Nov 2025
 - State Oversight of Special Education Audit
 - report expected in 2026

SPED – Action Ideas for School Boards

- “Trust the Professionals” mantra – yes, but oversight needs curiosity and verification – superintendent and staff works for school board
- Review, tailor, approve, update SPED policies, especially
 - IHBAM – District SPED Policy and Procedures Manual
 - IHBA – Programs for Students with Disabilities
 - IHBAA – Evaluation Requirements for Children with Specific Learning Disabilities
 - JBAB – Transgender Students
 - <https://sdganh.org/wp-content/uploads/Policy/JBAB-Transgender-Students-Approved-2022-04-02.pdf>
 - JICDA – Student Code of Conduct
- Use aggregate and anonymized student data to inform long-term programming and staffing decisions (e.g., referrals, placements, IEP/504 counts, services (ST, OT, PT, Psych, etc.))
- Review statistics on number of students making adequate progress on IEP/504 Plan Goals, review SPED cohort on statewide testing – what is working and what is not

SPED – Action Ideas for School Boards (con't)

- Collective Bargain Agreements (CBAs)
 - Idea of market driven pay/incentives for different specialties, with SPED being an area
 - Annual Teacher Critical Shortage List – many SPED areas
 - Blind and Vision Disabilities, Deaf and Hearing Disabilities, Early Childhood Special Education (N-3), Emotional and Behavioral Disabilities, Intellectual and Developmental Disabilities, Special Education Teacher, Specific Learning Disabilities
 - <https://nhdoepm.atlassian.net/wiki/spaces/CHD/pages/347963415/Critical+Shortage+List>
 - Should teacher pay only be based on years of teaching experience and educational level, or market driven?
 - Negotiate for evening IEP/team meetings on limited basis
 - Public collective bargaining may help this (attempted in 2025 HB400 (Rep. Pam Brown))

SPED – Action Ideas for School Boards (con't)

- Support idea of District Special Education Advisory Council – and participate as school board member to see “ground truth” about SPED in your district
- Adopt policy to limit SPED legal exposure/costs
 - BCG - School District (SAU) Legal Counsel
 - Ensures school board knowledge and involvement in significant legal decision making (SPED and other)
 - <https://sdganh.org/wp-content/uploads/Policy/BCG-School-District-Legal-Counsel-Approved-2024-04-15.pdf>
- Adopt policy ensuring proper use of SPED funds (and all other funds)
 - Policy DBK - Line Item Transfer Authority
 - <https://sdganh.org/wp-content/uploads/Policy/DBK-Line-Item-Transfer-Authority-Approved-2024-04-15.pdf>
- Support early reading assessment and intervention program in grades K-5 – don't need to wait for legislative mandate
 - “Ounce of prevention is a pound of cure”
- Understand need and costs of out of district placements – needed for FAPE?
 - Very expensive, especially with transportation costs

SPED – Action Ideas School Boards / BudComs

- Scrutinize budgets that include funding for SPED staff, services, transportation, and out-of-district placements – look for any efficiencies
 - Review aggregate and anonymized student data
 - Employee versus contracted services tradeoff
 - Ensure contracted services are consistent with maximums approved by NH Dept of Education
 - Encourage use of group vs. individual services, provided the approach supports FAPE
- Propose warrant article for Special Education Trust Fund (per RSA 31:19-a) to address the possibility of single expensive SPED placement or bubble of SPED placements
Best practice: fund annually from unexpended funds via warrant article until goal is reached (\$350K-\$400K)
 - Such funds can only be used for SPED
 - Reduces need for “padding” budget each year for the unlikely contingency

SPED – Action Ideas for Parents / Taxpayers

- Support SPED Trust Warrant Article as a fiscal tool to avoid justification of padded operating budgets for surprise SPED expenses
- Attend and ask questions at public budget hearings, especially about SPED population and budget
 - Number of IEPs/504 plans and trend
 - Cost of outsourced services, out of district placements, legal expenses, liability insurance premiums
 - Any due process hearings
 - Redacted Due Process Hearing decisions are posted on NH DoE site
 - 2005-2014
 - <https://www.education.nh.gov/who-we-are/division-of-learner-support/bureau-of-student-support/special-education/due-process-hearings-subject>
 - 2015-Present
 - <https://www.education.nh.gov/parents-and-students/appeals-and-mediation/appeals-and-mediation-case-archive>

SPED – Action Ideas for Parents / Taxpayers (con't)

- If a SPED parent
 - Utilize state and local resources
 - Office of the Special Education Advocate - <https://www.ase.nh.gov/>
 - Disability Rights Center of NH (DRC-NH) – <https://drcnh.org>
 - Parent Information Center (PIC) – <https://picnh.org/>
 - District Special Education Advisory Council (if exists)
 - If difficulties arise
 - request facilitated IEP / 504 meeting; facilitator often shows school districts where they are “off”
 - File SPED (or OCR) complaint – be alert for potential repercussions
 - Consider Education Freedom Accounts (EFAs) for your child – no income cap per Universal EFAs per SB295 (Sen. Sullivan)
 - Have full control over education
 - 2026: \$6,450.48/year (Base \$4,265.64, SPED \$2,184.84)
 - SPED students automatically accepted – not subject to the EFA enrollment cap (currently 10,000)

SPED – Action Ideas for Parents / Taxpayers (con't)

- Support and elect state, county, local candidates who support educational excellence and fiscal prudence
 - Especially state reps and state senators, Governor
 - Legislation to improve effectiveness and efficiency (outcomes and costs) in SPED
- Vote for school board and Budcom members who are diligent and who believe in fiscal responsibility
 - Who serves is very important!
 - Want critical thinkers – not compliant rubber stampers

SPED – Action Ideas for Parents / Taxpayers (con't)

- Know your candidates on the school district ballot
 - Local political committees may help
 - Regrettably Governor Ayotte vetoed HB356 “enabling partisan school district elections” (Rep. Wherry) – she claims all is well ?
- Adopt partisan town elections per RSA 669:12
 - Budcom covers school district in your town
 - Adoption is now an official ballot question per 2025 HB367 (Rep. Wherry)
 - Create and/or sign petition warrant article, vote to support on election day

Special Education / SAU Consolidation

Feature	IDEA	Section 504	ADA
Year Enacted	1975 (as EHA), renamed IDEA in 1990	1973	1990
Purpose	Ensure FAPE for students with disabilities	Prevent discrimination in federally funded programs	Prevent discrimination in all public/private settings
Who Is Covered	Students ages 3–21 needing special education	Individuals with disabilities in schools & colleges	All individuals with disabilities in public life
Definition of Disability	Specific categories (e.g., autism, TBI, LD)	Broad: physical / mental impairment limiting major life activity	Same as Section 504, includes HIV, diseases, etc.
Services Provided	Special education + related services (IEP)	Accommodations to access general education	Accommodations in employment, education, public services
Funding Provided	Yes—federal funding to states/schools	No additional funding	No direct funding; may offer grants or incentives
Plan Type	Individualized Education Program (IEP)	504 Plan	Accommodation plan (often informal)
Evaluation Responsibility	School district	School district (K–12); student (college)	Student responsibility (college/adult settings)
Consent Required	Yes—parental consent for evaluation/placement	Yes (K–12); recommended (college)	No—student self-advocacy required
Enforcement	State education agencies; due process hearings	Office for Civil Rights (OCR); complaints	DOJ, EEOC, OCR; lawsuits and complaints

Summary – Special Education

- SPED is a complex area of education, with many areas and aspects
- SPED (and Section 504) exist to ensure FAPE – FAPE is for all students!
- Compassion & respect for SPED students and parents, advisory council
- Ensure accurate identification and effective placement, but not over-identification or over-placement – FAPE is the goal
- Reasonable IEPs and 504 Plans, with accountability!
- More School Board insight into SPED / 504 will help
- SPED mostly an unfunded mandate and 504 is an unfunded mandate – reforms on state and especially Federal aid needed
- Action on findings from current/pending legislative studies on SPED
- SPED Action Ideas – Legislators, School Boards, Budcoms, Parents, Taxpayers
- SPED reforms at all levels – can improve student outcomes and save local tax dollars – property tax relief is a top issue in NH



SPED

The End

Special Education / SAU Consolidation

Thank you.
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