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Bureau of Special Education Support FY'23 Memo #1

Date: July 11, 2022

To: Superintendents of Schools
Administrators of Special Education

From: Office of Commissioner of Education

Division of Learner Support
Bureau of Special Education Support

RE: Amendment to RSA 186-C:2, I: Child with a Disability

The New Hampshire Department of Education (NHED), Bureau of Special Education Support (Bureau), is providing guidance in reference to the recent amendment to RSA 186-C:2, I. Specifically, the amendment expanded the definition of a "Child with a Disability" to include children between the ages of 3 through 21, ***inclusive***.

School districts are now required to provide a free appropriate public education (FAPE) to individuals who are receiving special education through age 21 until their 22nd birthday. This new law became effective on June 17, 2022.

The new law aligns New Hampshire's statutory definition of a "child with a disability" with the federal requirements for the provision of FAPE pursuant to the Individuals with Disabilities Education Act (IDEA).

Please review this enclosed guidance and should you have questions or need further clarification, please contact Rebecca Fredette at Rebecca.A.Fredette@doe.nh.gov or 603-271-6693.