

CHAPTER 295

HB 205 – FINAL VERSION

27Mar2007... 0944h

06/07/07 2079s

13Jun2007... 2168eba

2007 SESSION

07-0608

04/03

HOUSE BILL **205**

[ACT relative to procedures for certain court ordered out-of-district placements.

ONSORS: Rep. Grassie, Straf 1; Rep. Hilliard, Straf 2

COMMITTEE: Education

AMENDED ANALYSIS

This bill requires the court to notify a school district anytime the court is considering an out-of-district placement to give the school district an opportunity to send a representative to the placement hearing.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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In the Year of Our Lord Two Thousand Seven

ACT relative to procedures for certain court ordered out-of-district placements.

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

295:1 New Paragraph; Delinquent Children; Adjudicatory Hearing. Amend RSA 169-B:16 by inserting after paragraph V the following new paragraph:

VI. Whenever a court contemplates a placement which will require educational services outside the child's home school district, the court shall notify the school district and give the district the opportunity to send a representative to the hearing at which such placement is contemplated. In cases where immediate court action is required to protect the health or safety of the child or of the community, the court may act without providing for an appearance by the school district, but shall make reasonable efforts to solicit and consider input from the school district before making a placement decision.

295:2 New Paragraph; Delinquent Children; Dispositional Hearing. Amend RSA 169-B:19 by inserting after paragraph VII the following new paragraph:

VIII. Prior to any placement which will require educational services outside the minor's home school district, the court shall notify the school district and give the district the opportunity to send a representative to the hearing at which such placement is contemplated. At such hearing the court shall consider the recommendations of the school district and if such an out-of-district placement is ordered the court shall make written findings that describe the reasons for the placement.

295:3 New Paragraph; Child Protection Act; Adjudicatory Hearing. Amend RSA 169-C:18 by inserting after paragraph VII the following new paragraph:

VIII. Whenever a court contemplates a placement which will require educational services outside the child's home school district, the court shall notify the school district and give the district the opportunity to send a representative to the hearing at which such placement is contemplated. In cases where immediate court action is required to protect the health or safety of the child or of the community, the court may act without providing for an appearance by the school district, but shall make reasonable efforts to solicit and consider input from the school district before making a placement decision.

295:4 New Paragraph; Child Protection Act; Dispositional Hearing. Amend RSA 169-C:19 by inserting after paragraph V the following new paragraph:

VI. Prior to any placement which will require educational services outside the child's home school district, the court shall notify the school district and give the district the opportunity to send a representative to the hearing at which such placement is contemplated. At such hearing the court shall consider the recommendations of the school district and if such an out-of-district placement is ordered the court shall make written findings that describe the reasons for the placement.

295:5 New Paragraph; Children in Need of Services; Adjudicatory Hearing. Amend RSA 169-D:14 by inserting after paragraph V the following new paragraph:

VI. Whenever a court contemplates a placement which will require educational services outside the child's home school district, the court shall notify the school district and give the district the opportunity to send a representative to the hearing at which such placement is contemplated. In cases where immediate court action is required to protect the health or safety of the child or of the community, the court may act without providing for an appearance by the school district, but shall make reasonable efforts to solicit and consider input from the school district before making a placement decision.

295:6 New Paragraph; Children in Need of Services; Adjudicatory Hearing. Amend RSA 169-D:17 by inserting after paragraph VI the following new paragraph:

VII. Prior to any placement which will require educational services outside the child's home school district, the court shall notify the school district and give the district the opportunity to send a representative to the hearing at which such placement is contemplated. At such hearing the court shall consider the recommendations of the school district and if such an out-of-district placement is ordered the court shall make written findings that describe the reasons for the placement.

295:7 Contingent Renumbering. If SB 152 of the 2007 session becomes law, then RSA 169-B:19, VIII as inserted by section 2 of this act, shall be renumbered as RSA 169-B:19, IX.

295:8 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 13, 2007

Effective: September 11, 2007