

Office of the Advocate for Special Education

System-wide focus, Solution-Oriented, Cost-Conscious

Budget Presentation for Senate Finance Committee - April 21, 2025



www.ase.nh.gov

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Statutory Mandate

RSA 186-C:38

Case Investigation/Management/Resolution

- Ensure All IEP and 504 plans are being implemented appropriately with goals being met and services being provided
RSA 186-C:38 I (c) (d) (e) (g)
- Investigate and engage appropriate agencies regarding retaliatory acts and parent complaints
RSA 186-C:38 I (j)

Data Tracking

- Track metrics of types of complaints, types of disabilities, types of interventions and supports
RSA 186-C:38 I (f)
- Track and monitor district achievements and success and challenges in implementation
RSA 186-C:38 I (h)

Legislative Initiatives/Consultation

- Metric tracking to uncover any unmet needs
RSA 186-C:38 I (f)
- Legislative initiatives and coordinated work across State agencies and non-state advocacy and legal groups, directed toward the Office's mandate of ensuring IEP and 504 plans are being implemented and goals are met
RSA 186-C:38 I (c) (d) (e)

Hosted Trainings / Knowledge Regarding Programs and Resources

- Serve as a source of information regarding state and federal special education laws
RSA 186-C:38 I (b)
- Serve as a source of information and referrals to disability related programs and services
RSA 186-C:38 I (a)

ASE began without any historical budget funding template.

After one budget cycle, ASE has clearly articulated staff needed to effectuate its enabling statute.

ASE envisions savings over time in the special ed system with adequate staffing of its Office.

RSA 186-C:38 II states:

“The advocate may appoint those assistants that may be deemed necessary whose powers and duties shall be similar to those imposed upon the advocate by law and any other staff as is deemed necessary. The duties of the assistants and other staff members shall be performed under and by the advice and direction of the advocate.”

Where do we stand?

ASE has requested four staff positions needed to fulfill the statutory duties (9T329, NW204, NW 205, NW 206). ASE received all cost data for these positions and they are included in the Prioritized Needs budget submitted. ASE is NOT seeking tools or resources, solely staff. ASE staffing is crucial to fulfill the statutory mandate. Today, ASE asks the House Finance Committee in light of the tight funding environment for just three of the four positions sought in prioritized needs: two new positions managing cases (entry level attorney qualifications) and one position that combines the task of intake, tracking data, and tracking legislative opportunities that utilize collected information/data. Office of ASE is prepared to operate with a total of 5 staff, dropping one of the positions sought in the Prioritized needs: 9T3291 (approved but unfunded in FY 2024) so salary, benefits and software/IT costs associated with this position could be dropped from the budget requested totaling \$ 101,000. ASE is requesting a budget of approximately \$740,000 for FY 2026.

Office of ASE statutory duties cannot be fully accomplished with less staffing.

Request With No Increases

| | | | | | | | |
|--------------------|-----------------------|--------------------------------------|-------------|---|----------------|-------------|----------------|
| Department: | Legislative Branch | | | | | | |
| Compare Page # | 136 | FY 2026 | | | FY 2027 | | |
| Position Number: | | House Budget in Select Categories | Change | Revised Budget In Select Categories | House Budget | Change | Revised Budget |
| Accounting Unit: | 01-14-082-820010-6977 | | | | | | |
| Class | 012 | \$ - | \$ - | \$ - | \$ - | | \$ - |
| Class | 020 | \$ - | \$ 22,500 | \$ 22,500 | \$ - | \$ 22,500 | \$ 22,500 |
| Class | 027 | \$ 16,734 | \$ (10,000) | \$ 6,734 | \$ 19,121 | \$ (10,000) | \$ 9,121 |
| Class | 028 | \$ 9,000 | \$ (6,000) | \$ 3,000 | \$ 9,500 | \$ (6,000) | \$ 3,500 |
| Class | 039 | \$ 8,500 | \$ (6,500) | \$ 2,000 | \$ 9,350 | \$ (6,500) | \$ 2,850 |
| Class | 059 | \$ 78,788 | \$ - | \$ 78,788 | \$ 81,940 | \$ - | \$ 81,940 |
| Class | 060 | \$ 142,998 | \$ - | \$ 142,998 | \$ 152,116 | \$ - | \$ 152,116 |
| | Total | \$ 256,020 | \$ - | \$ 256,020 | \$ 272,027 | \$ - | \$ 272,027 |
| Funding Source: | | General | General | General | General | General | General |

Reason: The Advocate for Special Education leading the Office needs some flexibility to manage expenses and has chosen to give up individual office space, office telephones in favor of some additional funds to increase the hours of a part-time position. Further, there is NO class in the current budget with funds that can be shifted or moved and that makes an untenable situation in managing over a year period. The Office of ASE, in the scenario with no additional budget for staff, will endeavor to be more responsive to citizens with less but that cannot happen with the inflexibility in the budget currently.

REQUESTED STAFFING TO FULFILL LEGISLATIVE MANDATE

| | | | | | | | |
|--------------------|-----------------------|--------------------------------------|-------------|---|----------------|-------------|----------------|
| Department: | Legislative Branch | | | | | | |
| Compare Page # | 136 | FY 2026 | | | FY 2027 | | |
| Position Number: | | House Budget in Select Categories | Change | Revised Budget In Select Categories | House Budget | Change | Revised Budget |
| Accounting Unit: | 01-14-082-820010-6977 | | | | | | |
| Class | 012 | \$ - | \$ 198,880 | \$ 198,880 | \$ - | \$ 207,223 | \$ 207,223 |
| Class | 020 | \$ - | \$ 22,500 | \$ 22,500 | \$ - | \$ 22,500 | \$ 22,500 |
| Class | 027 | \$ 16,734 | \$ (10,000) | \$ 6,734 | \$ 19,121 | \$ (10,000) | \$ 9,121 |
| Class | 028 | \$ 9,000 | \$ (6,000) | \$ 3,000 | \$ 9,500 | \$ (6,000) | \$ 3,500 |
| Class | 039 | \$ 8,500 | \$ (6,500) | \$ 2,000 | \$ 9,350 | \$ (6,500) | \$ 2,850 |
| Class | 059 | \$ 78,788 | \$ - | \$ 78,788 | \$ 81,940 | \$ - | \$ 81,940 |
| Class | 060 | \$ 142,998 | \$ 152,631 | \$ 295,629 | \$ 152,116 | \$ 161,662 | \$ 313,778 |
| | Total | \$ 256,020 | \$ 351,511 | \$ 607,531 | \$ 272,027 | \$ 368,885 | \$ 640,912 |
| Funding Source: | | General | General | General | General | General | General |

Reason: The Office of ASE is inadequately staffed to fulfill its legislative mandate, as discussed in Governor's initial budget hearings, House budget hearing and Senate budget hearing. Additional Classified staffing and the corresponding benefits are requested. The numbers above fund previously approved (7D process) and original budget upon office creation that were/are unfunded. At the same time, the Agency has determined to cut office space, telephone services, software and other items that would have been associated with new positions

Case Investigation/Management/Resolution - 3 Staff Needed

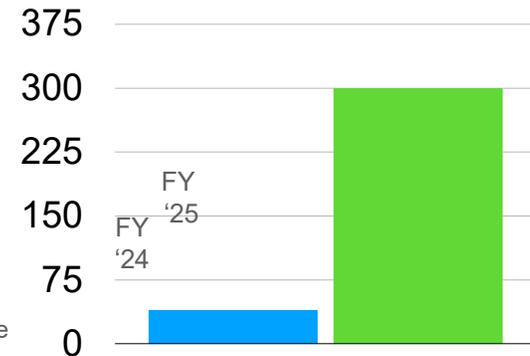
- 31,000+ Students with IEPs in NH; More than \$900,000,000 in investment in special education for NH students
- Approximately 1,000 rejected or partially rejected IEPs per year; Office of the Advocate for Special Education (ASE) successfully advanced legislation in 2024 to provide clarity around these numbers
- Based on 2024 legislation, ASE is now provided as a resource by DOE to any family that rejects/ partially rejects IEP

- Office of ASE case management paths:

- 1) Intake and Referral/Training for Pro Se advocacy (50% of cases)
- 2) Intake and Management with IEP team (40% of cases)
- 3) Intake, Management with IEP team and Dispute Resolution support (10% of cases)

- Case load increase:

2023-2024 - 40 cases brought to ASE, managed and resolved;
2024-2025 - 300+ cases brought to ASE;
 ASE is working through intake for data tracking but lacks appropriate staffing currently to manage and resolve



Staff Needed :

Advocate (existing) for oversight;
 3 Case Managers with attorney /special educator / LEA qualifications to manage quasi judicial structure of IEP implementation and resolution (one existing; two new requested)

System Cost Efficiency:

Right fit services, resolved quickly, mean less escalation in need and costs; right fit services delivered in a timely manner should allow some students to transition to MTSS A or MTSS B interventions off IEPs; ASE commits to reviewing cases for Step Down plans

System Cost Efficiency:

ASE commits to supporting state-wide efforts to roll out systems for labor-costing; ASE's unique knowledge to lend to a system of assessing costs by student comes from direct participation in IEP teams to understand the development of the IEP

Data /Metric Tracking

- ASE is tracking data through intakes regarding types of cases in dispute
- ASE is tracking data through case management and resolution work regarding provision of services; ASE pledges to look at the labor costing data for each IEP when such information capabilities are rolled out to districts based on new special education information system in development; ASE believes lower cost solutions might well overlap with benefits to students in better integration/inclusion and independence
- ASE has discussed collaboration with DOE on the architecture of a system being implemented for labor costing of services; ASE is uniquely positioned based on field work to provide insight into service delivery

| Special Education Services | | | | | | | |
|---|-----------------------------------|--------------------|--------------------|--------------------|-------------------------|--------------------------|---------------------------|
| Type of Service | Goal | Coordinator Title | Provider Title | Sessions Frequency | Time Per Session | Begin / End Dates | Location of Services |
| Direct Instruction | 4, 1, 5, 3, 9, 6, 2, 10, 7, 8, 17 | Special Ed Teacher | Special Ed Teacher | 5 times / wk | 5 sessions / wk of 1 hr | 10/31/2023 10/30/2024 | Special Education Setting |
| Vocational and Community Experiences at least | 9, 10, 17 | Special Ed Teacher | Paraeducator | 5 times / wk | 5 sessions / wk of 1 hr | 10/31/2023 10/30/2024 | Regular Education Setting |

| Related Services | | | | | | | |
|-----------------------------------|----------------|-----------------------------|-----------------------------|--------------------|----------------------------|--------------------------|---------------------------|
| Type of Service | Goal | Coordinator Title | Provider Title | Sessions Frequency | Time Per Session | Begin / End Dates | Location of Services |
| Speech Pathology - Individual | 14, 13, 12, 11 | Speech Language Pathologist | Speech Language Pathologist | 3 times / wk | 3 sessions / wk of 30 min | 10/31/2023 10/30/2024 | Special Education Setting |
| Occupational Therapy - Individual | 15, 16 | Occupational Therapist | Occupational Therapist | 3 times / wk | 3 sessions / wk of 30 min | 10/31/2023 10/30/2024 | Special Education Setting |
| Transportation | | Transporter | Transporter | 4 times / day | 4 sessions / day of 90 min | 10/31/2023 10/30/2024 | Special Education Setting |
| Speech Pathology - Group | 14, 13, 12, 11 | Speech Language Pathologist | Speech Language Pathologist | 1 times / wk | 1 sessions / wk of 30 min | 10/31/2023 10/30/2024 | Special Education Setting |

| Supplementary Services | | | | | | | |
|------------------------|--|--|--|--|--|--|--|
|------------------------|--|--|--|--|--|--|--|

Staff Needed:
 Advocate (existing)
 Data/Policy Analyst/Office Manager
 (new position; increase from 20% part-time)

System Cost Efficiency:
 Faster Resolutions means “right fit services” and less escalation of need, yielding lower cost over time;

System Cost Efficiency:
 Cost Study Commission member;
 Increase in compliance with progress monitoring; Increase in employment post completion via VR collaboration

Legislative Initiatives / Consultation

- ASE worked to advance legislation in 2024, in response to an audit on dispute resolution, to require better clarity regarding IEPs rejected or partially rejected; this legislation ensures that parents receive a letter providing ASE as a resource for resolution of disputes.
- ASE is currently advancing / supporting legislation designed to increase accountability by requiring automatic disclosure to a Hearing Officer of three years of progress reports among other documents, upon a parent's filing for due process.
- ASE is ready to participate in a pending legislatively proposed Commission to study special ed costs; ASE adds value based on ASE's fieldwork supported understanding of program capabilities across the state and scope of typical service delivery grid in IEPs and costs of outplacement.
- ASE is working with DOE (Voc Rehab) and DHHS (BDS overseeing area agencies) to integrate statewide services for successful transitions for students; ASE envisions legislation in next year's legislative session based on pilot programming with NO associated cost increase but better outcomes.

Staff Needed:
Advocate (existing)
Data/Policy Analyst/Office Manager
(new position; increase from 20% part-time)

System Cost Efficiency:
Faster Resolutions means "right fit services" and less escalation of need/cost;
Spearheading legislative consultation across Agencies and advocacy groups and serving as a resource to legislators will lead to better, efficient, outcomes

System Cost Efficiency:
Cost Study Commission member; Increase in compliance with progress monitoring;
Increase in employment post completion via VR collaboration

Hosted Training / Centralized Knowledge Regarding System-Wide Programs and Resources

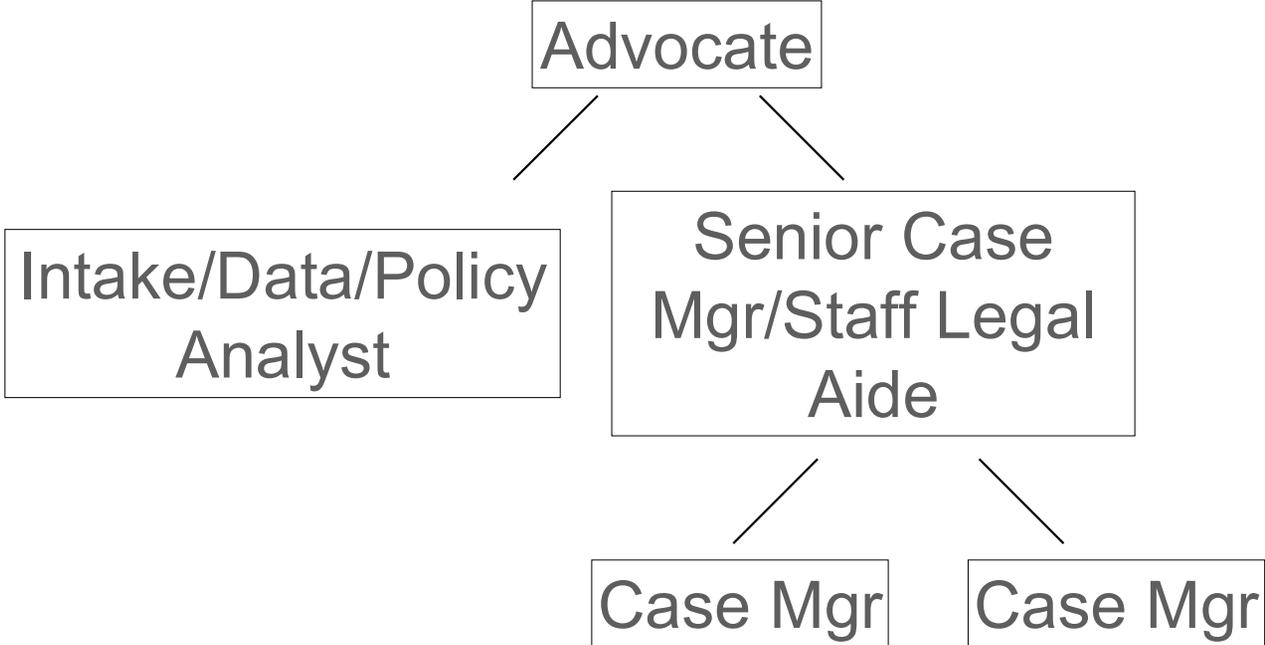
- ASE is offering weekly trainings for parents and advocates that expand on currently available offerings, preparing parent friendly guides and offering 1:1 consultations or referrals for parents self-advocating through dispute resolution processes (ASE advised, not managed, cases)
- ASE is working with DHHS and area agencies on transition resources for students (16+) and working with vocational rehab under DOE for the same purpose
- ASE is working with DOE and NHASEA and non-governmental organizations on the need to maintain and/or plan a return to the least restrictive educational environment appropriate for a student both during and after: 1) episodes of treatment and 2) court ordered placements
- ASE is touring placements and becoming familiar with the capabilities and open capacity to better spearhead capacity-building initiatives across NH; capacity-building can lower costs by ensuring “right fit” placements

Staff Needed:
Advocate (existing)
Case Managers (overlap with previous requests)
Training would be an add-on duty.

System Cost Efficiency:
Training of School LEAs and emphasis with courts on least restrictive school environment for court placements and episodes of treatment is good for students and cost saving

System Cost Efficiency:
Training parents /advocates allows for quicker resolutions saving admin costs and ensuring right fit / less need escalation for students; consultation across LEAs regarding development of capabilities to meet unmet needs within NH could result in better placements / more “right fits”

Office of Advocate for Special Education Proposed Organizational Chart



The Office can only fulfill its statutory mandate with the minimum staffing requested above, requiring approximately \$750,000 of annual budget.

Thank you for your time, today.