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New Hampshire Wrote Deaf Children a Bill of Rights in 2019. It Never Wrote the Rules.

Heather Grizzle · November 25, 2026

New Hampshire's 2019 Deaf Children's Bill of Rights ordered rules and a counting council. Seven years on there are no rules and no council record.

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A father in Berlin, up in New Hampshire's North Country, prints out the state's Deaf Children's Bill of Rights and brings it to his daughter's IEP meeting. It is a strong document. It promises her "teachers or interpreters proficient in appropriate language modes," "contact with and to be exposed to adult role models who are deaf or hard of

hearing," "a sufficient number of language mode peers," and "a placement best suited to their individual needs." It says two state departments "shall adopt rules" to carry it out, including rules on "The individualized communication plan for every deaf and hard-of-hearing student." He asks the team where those rules are. Nobody knows. There are none.

He is a composite. The statute is not, and neither is the silence. New Hampshire passed its Deaf Children's Bill of Rights in 2019, as RSA 186-C:31 to 186-C:35. Version 2.0 of the National Deaf Education Data Index read it again in October 2026 and searched the state's special education rules for any trace of it. The rules never mention it. Seven years on, neither department has written a rule, and the advisory council the law created to count New Hampshire's deaf children has left no public record that it has ever met.

EN BREF

- New Hampshire has no school for the deaf and never built a public one. Its answer was a 2019 Deaf Children's Bill of Rights that requires two departments to write rules on six subjects, including a communication plan for every deaf child.
- No rule has been written. The phrases "communication plan" and "American Sign Language" do not appear anywhere in the state's special education rules.
- The law also created an advisory council to count the state's deaf children every year. No roster, minutes or report can be found.
- The state's rules require no assessment of a deaf child's language or communication. A child is evaluated for deafness on academic performance and audiology alone.
- New Hampshire counted 169 children with hearing impairment in October 2024, only statewide. Three districts publish anything about deaf education: Nashua, Manchester and Concord.

COMMENT CELA A ÉTÉ MESURÉ

The National Deaf Education Data Index reads what a state and its schools publish about deaf and hard of hearing students. It does not visit classrooms, survey families or rate services. For New Hampshire, version 2.0 of the state file read 220 units on 22 and 23 October 2026: town and cooperative school districts, districts that operate no school, chartered public schools, public academies and an interstate district. The statutes, the special education rules and the state's 2024 and 2025 child counts were read as original documents. Some fiscal documents could not be retrieved this round, and the figures for them are carried from version 1.0 and marked as such.

Each unit receives one code. PROGRAM means the unit publishes something specific to deaf and hard of hearing students: a named program or a named post. MENTION means hearing appears only in a general way. NONE FOUND means the pages were read and nothing specific was published.

The codes measure publication, not service. In New Hampshire most deaf education is purchased from a private nonprofit that districts do not name. The Index never estimates a missing figure. Before release, the bodies the file names receive notice and ten business days to correct it.

A state with no school

New Hampshire's statutes constitute no school for the deaf, no school for the blind and no residential special school of any kind. The closest the state came was private: the Crotched Mountain School for the Deaf in Greenfield, which ran from 1955 into the early 1970s. Deaf children in New Hampshire stay in their home districts.

So in 2019, when the state wanted to do something for them, it did not build a school. It wrote a list of rights.

Twelve rights and a command

RSA 186-C:31 to 186-C:35 are among the most detailed deaf children's rights laws in the country. Section 31 defines "primary communication mode, style, and language" as the one "preferred by and most effective for a particular student, as determined by appropriate language assessment undertaken by individuals proficient in the commu-

nication mode, style, or languages being assessed," whether American Sign Language, cued speech, signed English or spoken language.

Section 32 lists twelve rights. Among them: "Any infant with a documented hearing loss, prior to demonstration of any developmental delay, shall qualify for services." Deaf children have "the right to contact with and to be exposed to adult role models who are deaf or hard of hearing," and to "a sufficient number of language mode peers with whom they can communicate directly." And they have "the right to a placement best suited to their individual needs."

Section 34 is not a right. It is a command: "The department of education and the department of health and human services shall adopt rules under RSA 541-A to implement this chapter." It names six subjects the rules must address at a minimum, from the qualifications of the people who teach deaf children to "The individualized communication plan for every deaf and hard-of-hearing student" to "Evaluation of the effectiveness of programs for students who are deaf or hard of hearing."

The rules that never came

The Index searched Chapter Ed 1100, New Hampshire's special education rules, as served on 23 October 2026. The string "186-C:34" does not occur in it. Neither does "communication plan." Neither does "American Sign Language." Neither does "decibel." Version 1.0 had searched the state's rulemaking notice database agency by agency from 2019 to 2026 and found 96 Board of Education notices, none implementing the bill of rights. The health department's rule chapters read this year carry no deaf education part either.

> The department of education and the department of health and human services shall adopt rules under RSA 541-A to implement this chapter.
>
> RSA 186-C:34

What the rules do say makes the gap sharper. Table 1100.1 sets out which assessments each disability requires. For deafness and hearing impairment, it requires two: academic performance and hearing, the second by an audiologist or ear doctor. A communicative skills assessment is required for other categories and not for deafness. So a deaf child in New Hampshire is not required to be assessed on language or communication

at all. That contradicts the bill of rights' own definition, which says a child's primary communication mode is "determined by appropriate language assessment."

NEW HAMPSHIRE'S DEAF CHILDREN'S BILL OF RIGHTS, SEVEN YEARS ON

2019
year the bill of rights was enacted

6
rule subjects the law requires

0
rules adopted

0
mentions of a communication plan in the special education rules

Source: RSA 186-C:31 to 186-C:35; Chapter Ed 1100 as served 23 October 2026

A council that cannot be found

Section 35 creates a Deaf Bill of Rights Advisory Council with thirteen member categories. Its job is to "determine the number of children within the state who are identified as being deaf and hard of hearing" and report every year by 1 November to nine recipients, including the state library. Its first meeting was to be called by one member, the assistive technology professional, "within 45 days of the effective date of this section."

The Index has found no roster, no minutes and no November report, in version 1.0 or now. The Department of Education told the federal government in April 2026 that its staff sit on "the Deaf Bill of Rights Advisory Council." Nothing in the public record shows the council has met.

The Index's interpretation, marked as such: the council has no self-starting mechanism. Only one appointee can call its first meeting. If that appointment lapsed, the 45-day clock ran out in August 2019, and nothing restarted it.

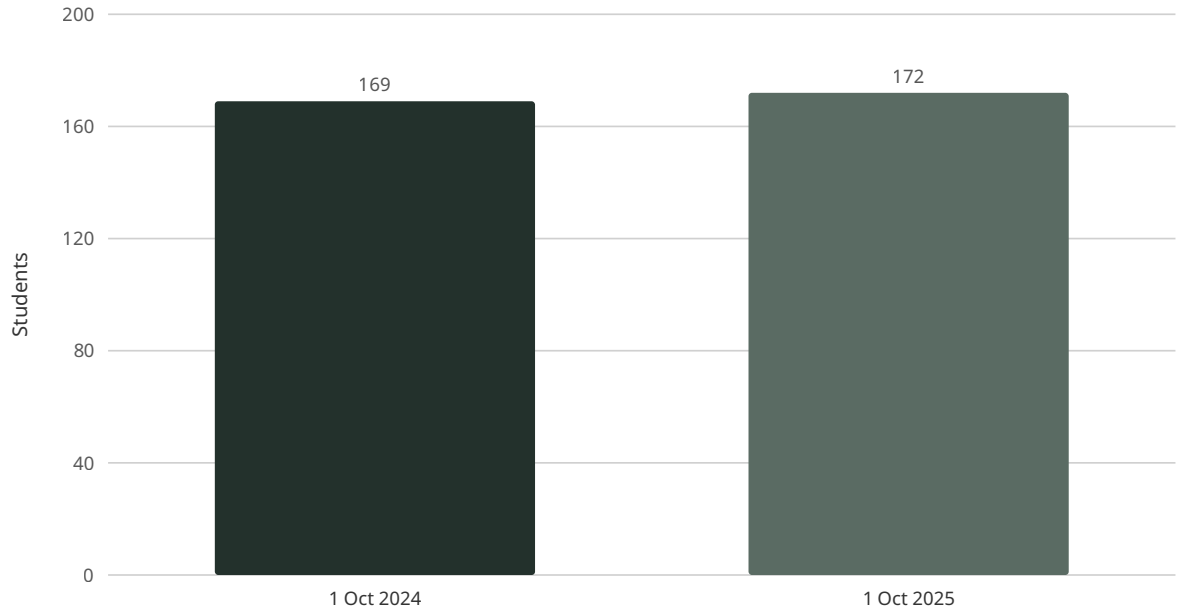
The statute also carries four drafting errors that have sat uncorrected since 2019. It lists the "New Hampshire Association or Audiologists." It requires the council to "submit an annual report its findings." And it addresses the report to "the New Hampshire commission on deafness and hearing loss," a body that exists, but under another name.

That other body is real and busy. The New Hampshire Commission for the Deaf and Hard of Hearing, under RSA 125-Q, lists thirty-one members by name on the General Court's register, including two state representatives and a Department of Education special education official. It met five times in 2026. It is not the council, and it is not charged with counting deaf children.

A count that cannot be located

The Department of Education's census for 1 October 2024 counts 32,324 students with disabilities aged 3 to 21. Of them, 169 are in the Hearing Impairment category, 29 aged 3 to 5 and 140 aged 6 to 21, and 9 are deafblind. The federal file for the same day matches it. A year later the count was 172.





New Hampshire students with hearing impairment, state census

Voir les données

Catégorie	Élèves
1 Oct 2024	169
1 Oct 2025	172

Two features make that number less useful than it looks. Since 2008, New Hampshire has folded deafness into the hearing impairment category, so no count of deaf students as such exists at any level. And no hearing count by district or school administrative unit has ever been published. The council was supposed to produce that count. The publication measure cannot be computed.

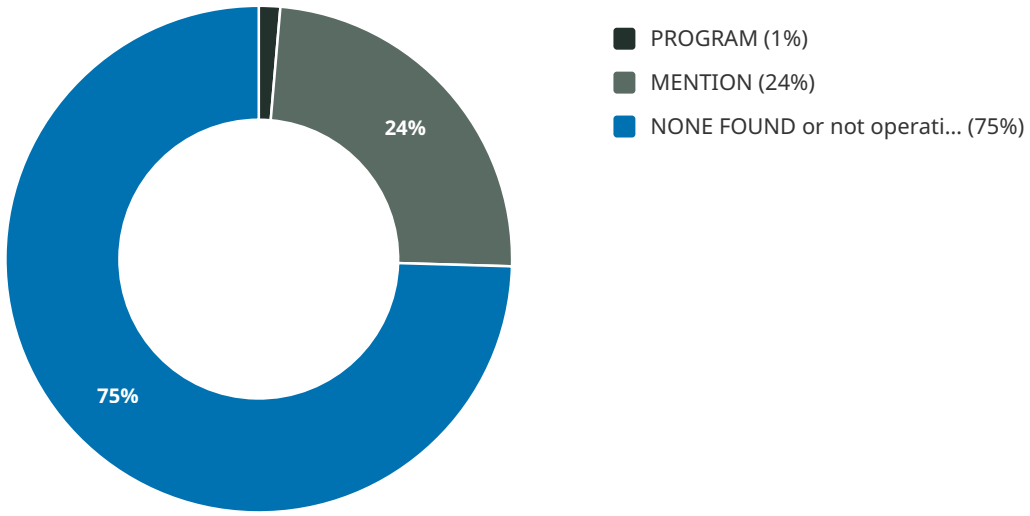
Three districts on the record

The Index read every unit. Three publish something.

Nashua's New Searles Elementary still says on its home page that it "houses one of the only deaf and hard of hearing programs in the State of NH," the Signs of Learning

program. Manchester is new in version 2.0. Its preschool and early learning pages list "Highland-Goffe's Falls Elementary (Autism, Early Childhood, and Deaf and Hard of Hearing Program)" and "Green Acres Elementary School (Deaf/Hard of Hearing Program)," and its Child Find page names a "Teacher of the Hearing Impaired." The program's own website has been dead since 2021; archived copies say it "services students from surrounding districts as well." Concord's preschool page names "a teacher of the deaf and hard of hearing" on staff.

Fifty-three units mention hearing. One hundred sixty-four publish nothing.



New Hampshire's 220 school units, by what they publish

Voir les données

Catégorie	Units
PROGRAMME	3
MENTION	53
NONE FOUND or not operating	164

The nonprofit that does the work

If districts are not publishing deaf education, who is providing it? Mostly a Concord nonprofit. Northeast Deaf and Hard of Hearing Services runs an Education and Resource Center offering twelve service lines, from "American Sign Language Instructor/Tutor" to "Teacher of the Deaf and Hard of Hearing," with "direct instruction, consultation, assessment and/or participation in team meetings for children and youth who have an IFSP, IEP or 504 Plan." Who pays? Its FAQ answers: "Our services are typically paid for by early intervention programs or school districts."

It has no statute. It holds no state K-12 deaf education contract; version 1.0 found its state contracts are all federal money. One district in New Hampshire, Hampstead, names it on a parent resources list. The nonprofit does not publish which districts it serves. In version 1.0, the count in both directions was zero.

Money with no weight

The money follows the same pattern. Every student with an IEP generated the same special education differentiated aid in the year that funded 2024-25, $2,142 according to version 1.0's reading, with nothing added for deafness or its severity. Catastrophic aid for the most expensive students was appropriated at $33,917,000 and prorated. No budget line names deaf education. Two 2026 laws amended the aid formula and the education freedom account statute; their texts were not retrieved for this round.

At birth, New Hampshire has no newborn hearing screening law. The health department's own page says so.

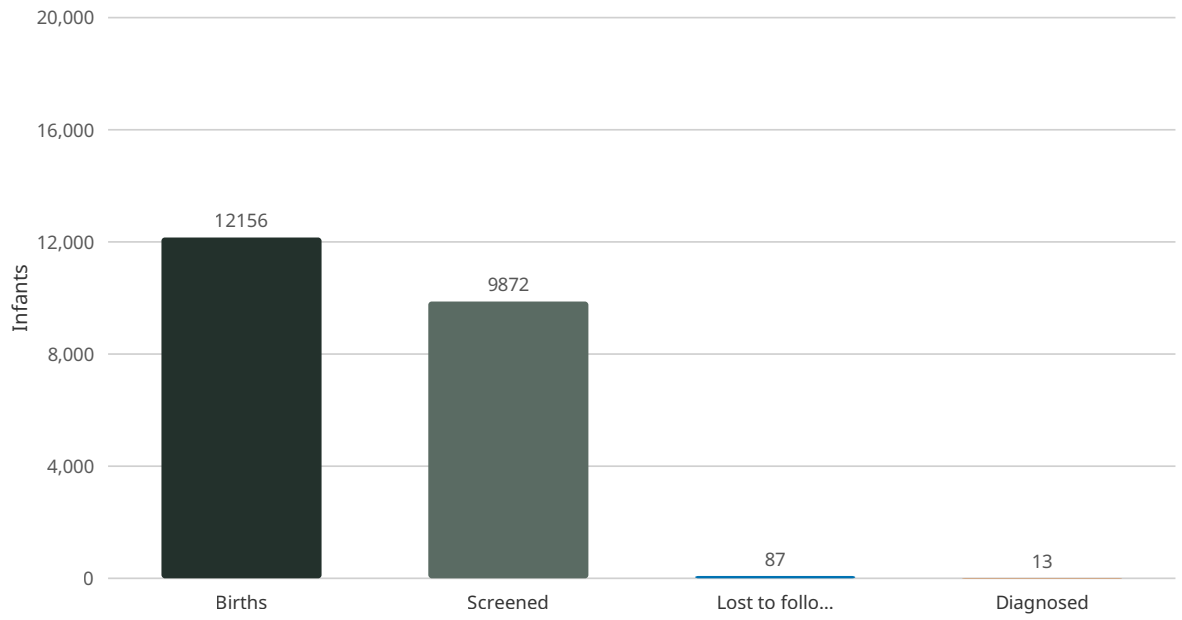
A baby in a state without a screening law

On the Department of Health and Human Services' own page, the question is asked and answered plainly: "Is newborn hearing screening required? There is no state law requiring newborn hearing screening. However, a national recommendation by the Joint Committee on Hearing Screening is that all babies be screened before they are 1 month old. Parents may refuse newborn hearing screening."

What New Hampshire has instead is a reporting rule. He-P 3008 requires anyone who screens a newborn's hearing to report "Within 2 weeks of testing," requires birth facilities to "fax to the EHDI program within 48 hours" the record of any baby who

does not pass, and requires the program to compare its data with birth certificates "in order to ensure that every infant born in New Hampshire is screened, or had the opportunity to be screened." The standard is opportunity, not screening.

The state publishes no screening report. The CDC's 2022 row shows 12,156 births and 9,872 screened, 81.2 percent, with 13 babies diagnosed and 87 lost to follow-up. The CDC row carries its own warning: "The program is experiencing data migration challenges, therefore data may not be accurate."



New Hampshire newborn hearing screening, 2022 (CDC survey, flagged as possibly inaccurate)

Voir les données

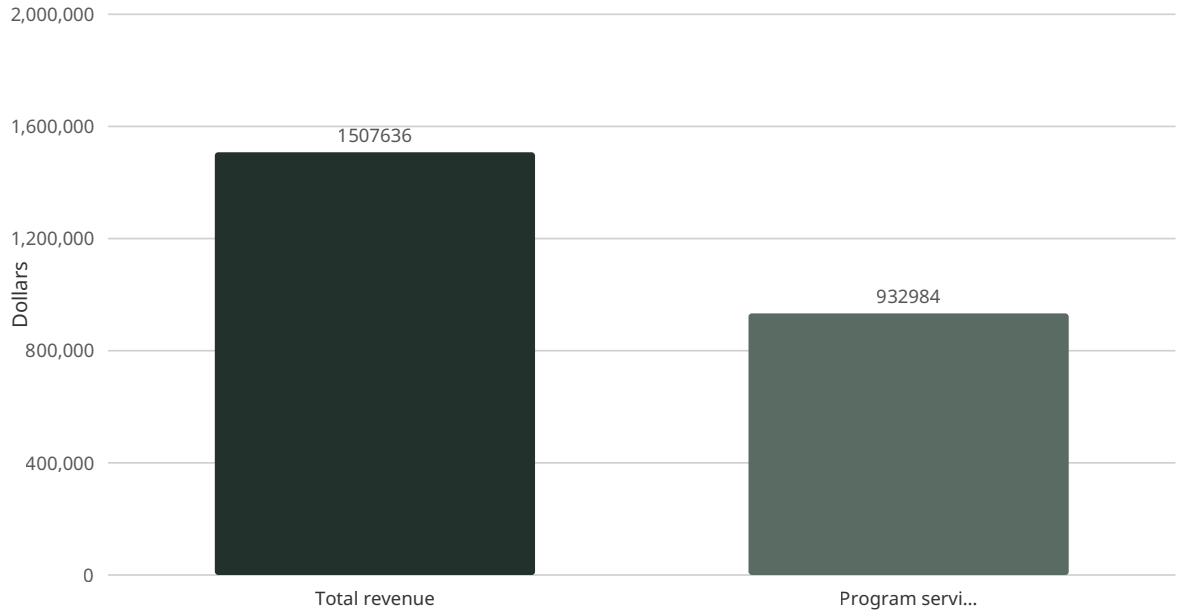
Catégorie	Nourrissons
Births	12156
Screened	9872
Lost to follow-up	87
Diagnosed	13

Then there is early intervention. Family Centered Early Supports and Services, the Part C program, qualifies a baby without a delay test if she has an "Established condition," defined as one with "a high probability of resulting in a developmental delay." The list runs from chromosomal anomaly to "(6) A sensory impairment" to lead poisoning. Deafness and hearing loss appear nowhere in it. A deaf baby qualifies through two undefined words, interpreted by whichever area agency she lands with. The state's 2019 Bill of Rights says, in the education title, that such an infant "shall qualify for services as determined by the infant's individualized family service plan team." The early intervention rule does not repeat it.

The nonprofit, by the numbers

Northeast Deaf and Hard of Hearing Services in Concord is, in practice, New Hampshire's statewide deaf education service. It describes twelve service lines, from teachers of the deaf to cued language providers, interveners, educational audiologists and state-licensed interpreters. It runs no school and no classroom. At least fifty-one percent of its board "must be Deaf or Hard of Hearing," and its meetings are open.

Its own answer to who pays is short: "Our services are typically paid for by early intervention programs or school districts." Its revenue for the year ending June 2025 was 1,507,636 dollars, of which 932,984 was program service revenue. Every state contract naming the organization in the Index's record is federal money passed through, not a Department of Education contract for K-12 services: newborn hearing mentorship items under a federal grant, a vocational rehabilitation contract of 861,099.31 dollars for 2023 to 2027 with 591,000 for interpreter invoices, and an independent living contract.



Northeast Deaf and Hard of Hearing Services, year ending June 2025

Voir les données

Catégorie	Dollars
Total revenue	1507636
Program service revenue	932984

The Index's interpretation, marked as such. A state that runs no school and no state outreach service has handed its deaf education expertise to a nonprofit with revenue of about a million and a half dollars, and pays it, when it pays at all, one district contract at a time. The nonprofit publishes no caseload, no count of districts served and no count of children. The Department's old technical assistance project domains no longer load. Two districts' resource pages still link to them.

Licensed to take deaf children, built for others

New Hampshire has no OPTION Schools member and no school for the deaf, public or private. What it has are six approved private special education programs whose

state approval of 21 August 2026 names deafness or hearing impairment among the disabilities they may serve: Cedarcrest School in Keene, Monarch School of New England, RSEC Academy, Spaulding Academy's Intensive Program, Mount Prospect Academy's programs and Seven Hills at Crotched Mountain School. None is a school for the deaf. None publishes a count of deaf pupils, and the one whose page was re-read describes no such population.

The state's approval names a capacity the providers do not describe. A family told their child could be placed at an approved program for deaf students would find, on that program's own pages, nothing about deaf students at all. The nearest schools built for deaf children are in Massachusetts.

Sixteen districts with no school

Sixteen New Hampshire districts operate no school of their own and send every pupil to a neighbor. A deaf child in Hart's Location remains her home district's responsibility, is taught in a receiving district's building, and gets deaf-specific help, if any, from a teacher of the deaf or communication facilitator that one of the two districts buys from the Concord nonprofit. Rollinsford's special education is overseen by a Maine district under contract.

The structure answers the rural service question without a state employee anywhere in it. No state employee delivers deaf education to a child in New Hampshire. The state's own deaf-specific office, the Program for Individuals Who Are Deaf or Hard of Hearing, opened in 1981 inside vocational rehabilitation and makes no K-12 claim.

The deafblind project serving the state is not New Hampshire's own either. The New England Consortium on Deafblindness at Perkins serves five states and builds capacity rather than teaching children. It counts 92 New Hampshire children served. The state's own category count is about ten.

Questions New Hampshire is positioned to answer

1. When will the Departments of Education and Health and Human Services adopt the rules RSA 186-C:34 has required since 2019?
2. Who sits on the Deaf Bill of Rights Advisory Council, when has it met, and where are its November reports?

3. How many deaf and hard of hearing students does each district serve?
4. Why does the special education rule not require a language or communication assessment for a deaf child, when the bill of rights defines one?
5. Which districts buy teachers of the deaf and interpreters from Northeast Deaf and Hard of Hearing Services, and for how many students?
6. Will the Legislature fix the four drafting errors in RSA 186-C:35?

Go back to the father in Berlin. He brought the right document to the meeting. It promises his daughter teachers who sign, deaf role models, deaf peers and a communication plan. Every one of those promises depends on rules that do not exist and a council that cannot be found. His daughter's teacher of the deaf, if she has one, probably drives up from Concord on a nonprofit contract the district does not publish. New Hampshire chose rights over a school. Rights without rules are a list. The state has had seven years to write the rest.

The full New Hampshire file covers all 220 units, each row with its source link, retrieval date and method, and is available under the Index's licensing terms. Corrections are welcome and are published with the next version.

Heather Grizzle-Odland est la fondatrice de Novara Consulting Group et chercheuse principale du National Deaf Education Data Index. Elle est DeafBlind et vit dans le Minnesota.

TIPS

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