

Senate Education Committee

Ryan Meleedy 271-4151

HB 76-FN, relative to tracking special education complaints.

Hearing Date: March 18, 2025

Members of the Committee Present: Senators Ward, Abbas and Altschiller

Members of the Committee Absent : Senators Sullivan and Prentiss

Bill Analysis: This bill requires the department of education to establish and maintain a tracking system for all state complaints related to special education services, and issue an annual report summarizing the complaint data.

Sponsors:

Rep. Kuttab

Rep. Ball

Rep. Cordelli

Rep. Ankarberg

Rep. Sabourin

Sen. Prentiss

Sen. Ricciardi

Sen. Ward

Who supports the bill: Representative Kuttab, Denise Legault, Jane Trombi, Carol Petruszewicz, Megan Haffner

Who opposes the bill: Sarah Lynn Williams, Allison Jones, Jennifer Wilson-Tucker, Senator Altschiller, Chase Eagleson (NH Council on Developmental Disabilities)

Who is neutral on the bill: No one signed in neutrality to this bill.

Summary of testimony presented in support:

Rep Kaitlyn Kuttab

- Representative Kuttab introduced House Bill 76-FN.
- Rep Kuttab explained that the bill establishes a tracking system for special education complaints through the Department of Education (DOE) which would be open to the public so that parents can see summaries of the complaints.
- She explained that currently, redacted complaints tend to end up on the DOE website, but they often take an extended period of time before they are posted.
- She explained that the complaints that are posted on the website currently are often missing much of the information that this bill would require, such as the law firm(s) involved in the complaint.

- She explained that this bill serves the purpose of providing transparency to the public so people are able to identify patterns of complaints and what law firms are frequently involved.
- Rep. Kuttab added that the bill would not create any privacy issues, as each complaint posted would be anonymous and would comply with federal and state privacy laws.
- Senator Altschiller asked how the summary of allegations would be formulated without having identifiable information regarding the allegations, citing concerns over the release of specific details potentially breaching the privacy of the special education student in the complaint. She expressed concern about smaller districts where there might only be a handful of special education students, explaining that if a full swath of case information was released for one of the students, everyone would be able to tell who it was.
- Representative Kuttab explained that the amount of information provided will vary based on the size of the school that the complaint is filed in. She explained that this would be assessed on a case-by-case basis to ensure that the student's identity isn't being revealed to the public.
- Representative Kuttab also added that if the school is in a much smaller district, the DOE could redact the name of the school if need be.
- Senator Altschiller asked a clarifying question regarding whether the internal DOE tracking of complaints would have to be updated immediately after an update is made to a complaint or if the complaints would have to be updated on a cyclical basis (such as per week, month, etc.)
- Representative Kuttab explained that the internal tracking requirements would be left up to the department to decide when they are updated.
- Senator Abbas cited the part of the bill that explained that the lawyer or law firm representing the school district in each complaint needs to be included in the public tracking system. He asked if it would be good to also require the lawyer or law firm representing the party filing the complaint as well. Representative Kuttab said that she would be open to adding this requirement to the bill.

Summary of testimony presented in opposition:

Chase Eagleson – NH Council on Developmental Disabilities

- Mr. Eagleson testified in opposition to Senate Bill 76-FN.
- Mr. Eagleson explained that even the complaint itself could identify the student who it is regarding, explaining that there are schools with only one or two students in special education. He further explained that even if there are only

ten to twenty students in the school's special education program, the complaint could be easily identifiable. He clarified that this could open the door for increased harassment of special education students.

- He questioned the necessity for this bill, explaining that the Department of Education already tracks each complaint internally and that it recently started posting these complaints in the last few months for the public to view, making this bill's requirements redundant.
- He emphasized a point brought up by Senator Altschiller that in small school districts, it could be especially harmful to have students' PII information made available to the public for any reason other than necessity.
- Senator Ward clarified with Mr. Eagleson that it was his view that the bill was not necessary, to which he agreed, explaining that the Department of Education already tracks this information.

Neutral Information Presented:

Diana Fenton and Kaitlin Gianotti– NH Department of Education

- Ms. Fenton explained that the DOE already tracks complaints internally through a spreadsheet, and that this bill would formally codify this process
- She explained that the department already posts fully redacted findings from complaints, and that adding an additional summary, as this bill would require, would just increase the administrative burden for the DOE, and could potentially make it easier to identify which student the complaint pertains to.
- She explained that the 30-day time frame that the bill enumerates might be unworkable in cases where parents or a school files for a reconsideration within the 20-day timeline that they are currently allotted following the release of findings in a complaint.
- Ms. Fenton was agreeable to including the information of an advocate for the party filing the complaint.
- Senator Altschiller asked where the complaint tracking is located on the DOE website, to which Kaitlin Gianotti explained it was kept internally. Ms. Fenton explained that once the findings in each case are released, they are redacted and posted on the website. Ms. Gianotti explained that those can be found under the "Appeals and Mediation" section on the website. She also added that a summary of the total complaints for each fiscal year is posted on the DOE website, explaining that it shows trends but doesn't contain specifics of each case.
- Senator Altschiller reiterated that small schools allow for special education complaints to easily identify the student, and she asked what the school size threshold was for redacting potentially identifying information. Both Ms. Fenton

and Ms. Gianotti explained that there wasn't a specific threshold and that each case is independently assessed.

- Senator Abbas clarified that the DOE uses the term "complainant" to describe filers of such complaints.
- Senator Abbas asked if, rather than summarizing the complaint and its findings, if it would be preferable to just say the subject matter. Ms. Gianotti said that something to the effect of his suggestion would be preferable.