

Senate Education Committee

Ryan Meleedy 271-4151

HB 753-FN, relative to expedited due process hearings to enforce special education rights.

Hearing Date: April 8, 2025

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

Members of the Committee Absent : None

Bill Analysis: This bill requires that expedited due process hearings must not exceed the timelines applicable to regular due process hearings in actions to enforce special education rights.

Sponsors:

Rep. N. Murphy
Rep. Cordelli
Rep. M. Smith
Sen. Watters

Rep. McMahon
Rep. H. Howard
Sen. Carson

Rep. Grossman
Rep. Ball
Sen. Prentiss

Who supports the bill: 105 People signed in support of House Bill 753-FN. To access the full list, please contact the committee aide (ryan.meleedy@gc.nh.gov).

Who opposes the bill: 5 People signed in opposition to House Bill 753-FN. To access the full list, please contact the committee aide (ryan.meleedy@gc.nh.gov).

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

Summary of testimony presented in support:

Senator Prentiss

- Senator Prentiss introduced House Bill 753 on behalf of Representative Nancy Murphy.

Bonnie Dunham

- Ms. Dunham testified in support of House Bill 753.
- Ms. Dunham established that this bill is to ensure that an expedited due process hearing cannot take longer than a regular hearing. Regular due process hearings concern any dispute a parent may have in the special education

process, and it must be completed within 45 calendar days. They may be extended to up to 30 days if a parent files for it because there must be a resolution session option presented to the parties.

- Ms. Dunham expressed that expedited due process hearings exclusively relate to discipline issues, such as if a parent disagrees with the school's decision to remove a child or if a school district believes keeping a student in their current placement could result in harm to themselves or others. Expedited hearings must be completed within 20 school days, and the results must be delivered within 10 school days after the hearing.
- Ms. Dunham offered the Manchester School calendar as an example. She noted that if a request for a regular due process hearing were filed on June 3rd, the decision would have been given by July 18th unless the parties utilized the resolution session, which then would mean a decision would be rendered by August 16th. Whereas, if an expedited hearing were to be filed on the same day, a decision would not be rendered until October 2nd unless both parties participated in a resolution session, which would mean a decision would be given by October 17th. The disparity between timelines could result in an expedited hearing taking 9 to 11 weeks longer than a regular hearing.
- She established that individuals cannot just opt to use a regular hearing instead of an expedited one because federal law requires disciplinary issues to use expedited hearings.
- She referenced a letter from the Office of Special Education Programs that clarifies the purpose of an expedited hearing is to ensure that the decision is rendered promptly and that the student's educational program is not adversely affected by undue delays.
- She established that currently, expedited hearings could interfere with a student's education for the end of one school year, the summer if the student were to participate in extended school year services, and the beginning of the next school year.
- She expressed that this bill complies with the Individuals with Disabilities Education Act (IDEA) and is common sense legislation.

Representative Glenn Cordelli

- Representative Cordelli cited federal law, which clarifies that states are able to make their own laws surrounding these hearings and are permitted to alter time frames.