

# Senate Education Committee

*Ryan Meleedy 271-4151*

**HB 754-FN**, establishing automatic discovery in due process hearings for actions seeking to enforce special education rights.

**Hearing Date:** April 10, 2025

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

**Members of the Committee Absent :** None

**Bill Analysis:** This bill establishes automatic discovery in due process hearings for actions seeking to enforce special education rights.

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**Sponsors:**

Rep. N. Murphy

Rep. B. Boyd

Rep. Grossman

Rep. Kuttab

Rep. Ball

Rep. M. Smith

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**Who supports the bill:** Kristen Mansharamani, Tim Lenihan, Dawn McKinney (NH Legal Assistance), Senator Debra Altschiller (SD 24), Rep. Nancy Murphy, Sarah Lynn Williams.

**Who opposes the bill:** Chase Eagleson (NH Council on Developmental Disabilities), Gabrielle Drown.

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

**Summary of testimony presented in support:**

**Senator Altschiller**

- Senator Altschiller introduced House Bill 754-FN on behalf of the bill's prime Sponsor, Representative Nancy Murphy.
- She established that the bill outlines a process for automatic discovery for due process hearings. The bill codifies what documents parents should have prior to a due process hearing to create a less burdensome process for parents and advocates. She expressed that although some districts do a great job producing discovery, a constituent who is an educational advocate said that some districts uniquely struggle with this.
- She stated that many parents are unaware of what items in the school district's possession are subject to discovery.

- She said that zip codes and SAU numbers should not be the determining factors in establishing what information will be provided to parents or the timeframe in which they will receive the material.
- She expressed that this bipartisan effort will streamline the process for hearing officers and improve communication between parties. This ensures no family is left disadvantaged by a lack of access to pre-hearing documents that could have a material effect on the outcome of the hearing and the ability to address a student's needs.

### **Kristen Mansharamani and Tim Lenihan - Advocates for Special Education**

- Ms. Mansharamani and Mr. Lenihan testified in support of House Bill 754-FN.
- She expressed that expenditures on special education should be viewed as investments in the students' future and in our society.
- She established that this bill will streamline the process for the hearing officer. She reflected on her experience in hearings where thousands of pages of exhibits are produced, and it is challenging to find progress reports. She expressed that even the basics of progress reports are elusive and sometimes admitted to not exist.
- She expressed that presenting certain documents at the onset of hearings rather than going through the complicated discovery process helps the hearing officers and parents involved. It could also set up a more fluid process for disputes to be resolved prior to undergoing a due process hearing.
- The core documents that this bill aims to establish are progress reports, the last three years of IEPs, and evaluations.
- Mr. Linehan expressed that this bill was introduced because of a case in which 2,700 pages were provided to the parent five days before the hearing, which created an untenable situation.