CHAPTER 72
SB 135 - FINAL VERSION

2023 SESSION

23-0914
10/04

SENATE BILL *135*

AN ACT relative to alternative dispute resolution in special education.

SPONSORS: Sen. Ward, Dist 8

COMMITTEE: Education

ANALYSIS

This bill allows the parties in an alternative dispute resolution procedure for special education services to mutually agree to continue conferring after the 30-day period.

This bill is a request of the department of education.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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SB 135 - FINAL VERSION

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to alternative dispute resolution in special education.

Be it Enacted by the Senate and House of Representatives in General Court convened:

72:1 Special Education; Alternative Dispute Resolution; Continuation of Conference. Amend RSA 186-C:23, II to read as follows:

II. To assist parents and schools, this subdivision requires the local education agency to notify the department of education in writing that an individualized education program, educational placement, identification, or evaluation of a child has been rejected by the parent, and establishes a 30-day period for discussion beginning on the date such notice is received by the department of education***, which may be continued if mutually agreed to by the parties***. Immediately following notification, the department shall communicate to the parent a description of the alternative dispute resolution process. While the use of these informal resolution procedures is strongly encouraged, it is not mandatory for either party. If this option is chosen by both parties, the department shall, during the 30-day period, schedule and conduct an alternative dispute resolution conference. ***Such schedule may be continued if mutually agreed to by the parties.*** The conference shall not be used to delay a due process hearing; however, both parties may agree to postpone the hearing pending a resolution.

72:2 Alternative Dispute Resolution; Mediation; Procedure. Amend the introductory paragraph of RSA 186-C:24, II(b) to read as follows:

(b) A mediation conference shall be conducted within 30 calendar days after receipt of a written request***, which may be continued if mutually agreed to by the parties,*** at which time:

72:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 07, 2023
Effective Date: August 06, 2023