

Amendment to HB 532

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 Alternative Dispute Resolution. Amend RSA 186-C:23 to read as follows:

4 186-C:23 Alternative Dispute Resolution.

5 I. In order to encourage informal resolution of differences of opinion regarding the provision
6 of special education, the following methods of alternative dispute resolution shall be available to
7 parents and school districts:

8 (a) Neutral conference.

9 (b) Mediation.

10 (c) IEP facilitation.

11 ***I-a. The department shall make IEP team meeting facilitation available to parents
12 and school districts as an option to resolve disputes under this chapter.***

13 ***I-b. The department of education shall adopt rules pursuant to RSA 541-A
14 concerning procedures for the methods of alternative dispute resolution available under
15 this section.***

16 II. ***The following subparagraphs shall apply only to neutral conference and
17 mediation:***

18 (a) To assist parents and schools, this subdivision requires the local education agency to
19 notify the department of education in writing that an individualized education program, educational
20 placement, identification, or evaluation of a child has been rejected by the parent, and establishes a
21 30-day period for discussion beginning on the date such notice is received by the department of
22 education, which may be continued if mutually agreed to by the parties. Immediately following
23 notification, the department shall communicate to the parent a description of the alternative dispute
24 resolution process. While the use of these informal resolution procedures is strongly encouraged, it
25 is not mandatory for either party. If this option is chosen by both parties, the department shall,
26 during the 30-day period, schedule and conduct an alternative dispute resolution conference. Such
27 schedule may be continued if mutually agreed to by the parties. The conference shall not be used to
28 delay a due process hearing; however, both parties may agree to postpone the hearing pending a
29 resolution.

30 ~~III.~~ (b) Alternative dispute resolution proceedings shall be confidential and shall not
31 impair the right of the participants to demand a due process hearing. Information, evidence, or the
32 admission of any party shall not be disclosed or used in any subsequent proceeding. Statements

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1 made and documents prepared by a party, attorney, or other participant in aid of such proceeding
2 shall be privileged and shall not be disclosed. In addition, the parties shall not introduce into
3 evidence in any subsequent proceeding the fact that there was an alternative dispute resolution
4 proceeding or any other matter concerning the conduct of such proceedings. The authority of the
5 department of education in alternative dispute resolution proceedings initiated under this section
6 shall be limited to the provisions of paragraphs I and II.

7 ~~[IV.]~~ **(c)** There shall be no record made of any alternative dispute resolution proceedings.

8 ~~[V.]~~ **(d)** Evidence that would otherwise be admissible in a due process hearing or in a
9 subsequent court hearing shall not be rendered inadmissible as a result of its use in an alternative
10 dispute resolution proceeding.

11 ~~[VI. The department of education shall adopt rules, pursuant to RSA 541-A, concerning~~
12 ~~procedures for the methods of alternative dispute resolution available under this section.]~~

13 2 Effective Date. This act shall take effect 60 days after its passage.