

HB 754-FN - AS AMENDED BY THE HOUSE

26Mar2025... 0608h

2025 SESSION

25-0868

09/05

HOUSE BILL

754-FN

AN ACT establishing automatic discovery in due process hearings for actions seeking to enforce special education rights.

SPONSORS: Rep. N. Murphy, Hills. 12; Rep. B. Boyd, Hills. 12; Rep. Grossman, Rock. 11; Rep. Kuttab, Rock. 17; Rep. Ball, Rock. 25; Rep. M. Smith, Straf. 10

COMMITTEE: Education Policy and Administration

ANALYSIS

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

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT establishing automatic discovery in due process hearings for actions seeking to enforce special education rights.

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

1 1 New Paragraph; Special Education; Due Process Hearing; Automatic Discovery. Amend RSA
2 186-C:16-b by inserting after paragraph III-a the following new paragraph:

3 III-b.(a) The school district shall provide to the hearing officer assigned, with a copy to the
4 parents, not less than 5 business days prior to any prehearing conference described in 20 U.S.C.
5 section 1415(f)(2)(a) and RSA 541-A:31, V(c), items and information in the possession, custody or
6 control of the school district, which shall form a set of core documents in every due process case.

7 (b) The specific core documents shall be limited to:

8 (1) Documentation of the IEP team's deliberation and conclusions for the federal
9 eligibility determination if eligibility is at issue in the due process complaint, pursuant to 20 U.S.C
10 section 1414(b)(4) and 34 C.F.R. section 300.306;

11 (2) Current and/or partially accepted IEPs in place within the last 3 years;

12 (3) Complete and/or partial IEPs currently being proposed by the school district;

13 (4) Copies of all written prior notices within the last 3 years;

14 (5) Copies of any evaluations by school district staff or independent contractors of
15 the school district at the school district's request, pursuant to 20 U.S.C. section 1414(a) and 34
16 C.F.R. sections 300.301 and 305, within the last 3 years;

17 (6) Copies of any independent educational evaluations, and written
18 recommendations from outside providers, pursuant to 20 U.S.C. section 1415(d)(2)(b) and 34 C.F.R.
19 section 300.502 regarding eligibility, placement or the IEP program or services that were presented
20 to the IEP team within the last 3 years; and

21 (7) All progress reports, pursuant to 20 U.S.C. section 1412(a)(15) and 34 C.F.R.
22 section 300.157, related to IEP goals, benchmarks, short-term objectives, or progress toward meeting
23 the annual IEP goals, within the last 3 years.

24 (c) This paragraph's provision for requiring the presentation of core documents listed
25 above shall not interfere with and does not negate any right or obligation of either party to comply
26 with voluntary discovery requests and the presentation of supplementary information. This
27 supplemental provision and disclosure of documents shall occur pursuant to the timelines described
28 in 20 U.S.C sections 1415(f)(2) and 1415(h) and 34 C.F.R. section 300.512(b).

HB 754-FN - AS AMENDED BY THE HOUSE

- Page 2 -

1 (d) An updated copy of the procedural safeguards pursuant to 20 U.S.C. section 1415(d)
2 and 34 CFR section 300.504, including this section, shall be given to the parents of a child with a
3 disability before the child's next IEP meeting.

4 2 Effective Date. This act shall take effect upon its passage.

HB 754-FN- FISCAL NOTE
AS INTRODUCED

AN ACT establishing automatic discovery in due process hearings for actions seeking to enforce special education rights.

FISCAL IMPACT:

Estimated Political Subdivision Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	\$0	Indeterminable		

METHODOLOGY:

This bill, effective for the 2025-2026 school year, establishes automatic discovery in due process hearings for actions seeking to enforce special education rights. Costs to local schools districts to comply with this bill are indeterminable, as the number of actions that may be brought forward cannot be predicted.

AGENCIES CONTACTED:

Department of Education