HB 753-FN - VERSION ADOPTED BY BOTH BODIES

2025 SESSION

25-0855
09/05

HOUSE BILL ***753-FN***

AN ACT relative to expedited due process hearings to enforce special education rights.

SPONSORS: Rep. N. Murphy, Hills. 12; Rep. McMahon, Rock. 17; Rep. Grossman, Rock. 11; Rep. Cordelli, Carr. 7; Rep. H. Howard, Straf. 4; Rep. Ball, Rock. 25; Rep. M. Smith, Straf. 10; Sen. Carson, Dist 14; Sen. Prentiss, Dist 5; Sen. Watters, Dist 4

COMMITTEE: Education Policy and Administration

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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to expedited due process hearings to enforce special education rights.

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

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

I-a. In no case may an expedited due process hearing pursuant to 34 C.F.R. section 300.532(c)(2) exceed the timeline for conducting a regular due process hearing pursuant to 34 C.F.R. section 300.515(a).

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

LBA
25-0855
Revised 1/27/25

HB 753-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to expedited due process hearings 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 requires that expedited due process hearings not exceed the time lines that are applicable to regular due process hearings in actions to enforce special education rights. By way of relevant background, pursuant to Ed 1123.18(e), a due process hearing must held within 45 days, which, based upon the plain language of the rule, includes weekends and holidays. However, an expedited due process hearing, which is governed by Ed 1123.25, is to be held within 20 school days, after the request for the hearing is filed. This difference in language accounts for the occasional discrepancy in how expedited due process hearings are scheduled. The Department of Education states this bill's impact, if any, on local school districts is indeterminable, and would vary from district to district, as it is unknown as to how many due process hearings this proposed bill may affect.

AGENCIES CONTACTED:

Department of Education