

CHAPTER 73  
HB 754-FN - FINAL VERSION

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

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ANALYSIS

This bill establishes automatic discovery in due process hearings for actions seeking 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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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                    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            73:1 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. section  
5 1415(f)(2)(a) and RSA 541-A:31, V(c), items and information in the possession, custody or control of the  
6 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 section  
10 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 the  
15 school district at the school district's request, pursuant to 20 U.S.C. section 1414(a) and 34 C.F.R.  
16 sections 300.301 and 305, within the last 3 years;

17            (6) Copies of any independent educational evaluations, and written recommendations  
18 from outside providers, pursuant to 20 U.S.C. section 1415(d)(2)(b) and 34 C.F.R. section 300.502  
19 regarding eligibility, placement or the IEP program or services that were presented to the IEP team within  
20 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. section  
22 300.157, related to IEP goals, benchmarks, short-term objectives, or progress toward meeting the annual  
23 IEP goals, within the last 3 years.

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

29            (d) An updated copy of the procedural safeguards pursuant to 20 U.S.C. section 1415(d) and  
30 34 C.F.R. section 300.504, including this section, shall be given to the parents of a child with a disability  
31 before the child's next IEP meeting.

32            73:2 Effective Date. This act shall take effect upon its passage.

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Approved: June 02, 2025  
Effective Date: June 02, 2025

