

Amendment to HB 754-FN

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

2
3 1 New Paragraph; Special Education; Due Process Hearing; Automatic Discovery. Amend RSA
4 186-C:16-b by inserting after paragraph III-a the following new paragraph:

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

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

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

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

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

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

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

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

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

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

Amendment to HB 754-FN

- 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.