

HB 754-FN - AS INTRODUCED

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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) In any action against a local school district seeking to enforce special education
4 rights under state or federal law, and the complaint has not been resolved during the 30-day
5 resolution period provided in 34 C.F.R. section 300.510, the local school district shall disclose to the
6 parent, legal guardian or surrogate parent, and permit to discover, inspect, and copy, all items and
7 information that relate to the appropriateness of the child's program or placement, or of the program
8 or placement proposed by the local school district, and are in the possession, custody, or control of
9 the local school district, at least 5 business days before any prehearing conference described in RSA
10 541-A:31, V(c).

11 (b) Such discoverable items and information shall include, but not be limited to:

12 (1) Specific documentation for the federal eligibility determination.

13 (2) Current and/or partial IEPs in place within the last 3 years.

14 (3) Complete and/or partial IEPs being proposed.

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

16 (5) Any reports or testing supporting the current and/or partial IEPs in place.

17 (6) Any reports or testing supporting the complete and/or partial IEPs being
18 proposed.

19 (7) Any progress reports related to IEP goals, benchmarks, short-term objectives, or
20 progress toward meeting the annual IEP goals.

21 2 Effective Date. This act shall take effect July 1, 2025.

HB 754-FN- FISCAL NOTE
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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