

HB 581 - AS INTRODUCED

2021 SESSION

21-0702  
06/05

HOUSE BILL                    **581**

AN ACT                    relative to the burden of proof in special education hearings.

SPONSORS:            Rep. Cordelli, Carr. 4; Rep. Verville, Rock. 2; Rep. Thomas, Rock. 5; Rep. Spillane, Rock. 2; Rep. McLean, Hills. 44; Rep. Rouillard, Hills. 6; Sen. Reagan, Dist 17

COMMITTEE:        Education

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ANALYSIS

This bill provides that the burden of proving the appropriateness of a child's special education placement or program is on the school district or other public agency.

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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT                    relative to the burden of proof in special education hearings.

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

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

3            III-a. In all hearings the school district shall have the burden of proof, including the burden  
4 of persuasion and production, of the appropriateness of the child's program or placement, or of the  
5 program or placement proposed by the public agency. This burden shall be met by a preponderance  
6 of the evidence.

7            2 Effective Date. This act shall take effect 60 days after its passage..