



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 342** HLS 26RS 1062
 Bill Text Version: **REENGROSSED**
 Opp. Chamb. Action: **w/ SEN COMM AMD**
 Proposed Amd.:
 Sub. Bill For.:

Date: May 22, 2026	10:44 AM	Author: KNOX
Dept./Agy.: Education		
Subject: Burden of proof in special education due process hearings		Analyst: Julie Silva

EDUCATION/SPECIAL RE1 SEE FISC NOTE LF EX Page 1 of 1

Provides that a local education agency shall have the burden of proof in any special education due process hearing relative to the appropriateness of a student's current or proposed program or placement

Current law requires education agencies to maintain procedures consistent with the Individuals with Disabilities Education Act (IDEA) to ensure students with exceptionalities receive procedural safeguards, including due process hearings.

Proposed legislation retains current law but provides that the local education agency (LEA) bears the burden of proof, requiring the LEA to demonstrate, by a preponderance of the evidence, that the student's program or placement is appropriate.

EXPENDITURES	2026-27	2027-28	2028-29	2029-30	2030-31	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Annual Total						
REVENUES	2026-27	2027-28	2028-29	2029-30	2030-31	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

Proposed legislation may result in an indeterminable increase in per-case expenditures for local education agencies (LEAs) associated with special education due process hearings. The shift in the burden of proof from the petitioner to the LEA would require additional preparation, documentation, and presentation of evidence by school systems, increasing attorney and staff time needed to defend each case. Legal services for these proceedings are typically billed on an hourly basis, with rates generally ranging from approximately \$250 to \$400 per hour. Although most disputes are resolved prior to a full hearing, cases that proceed through the administrative process or are subsequently appealed may result in substantially higher costs.

LEAs may utilize either in-house legal staff or outside counsel to manage due process hearings. Larger school systems that employ staff attorneys may be able to absorb some of the additional workload within existing resources, potentially limiting costs, though outside counsel may still be required in certain cases. Smaller school systems, which are less likely to employ in-house counsel, would be more reliant on contracted legal services and may therefore experience more direct cost increases on a per-case basis as additional time and preparation translate into higher billable expenses.

The annual number of special education due process hearings in Louisiana is relatively small. State data indicates that approximately 40 to 45 complaints are filed each year, with only a small number proceeding to a full hearing; most are resolved through withdrawal, dismissal, or settlement. Proposed legislation may result in increased per-case expenditures; however, the volume of cases is expected to remain limited.


There is no anticipated direct material fiscal impact to the state. Administrative law judges presiding over these hearings are provided through the Louisiana Division of Administrative Law. To the extent the shift in the burden of proof increases the number or duration of hearings, some additional workload for the Division may occur; however, any impact is expected to be minimal given the low volume of cases. The proposed legislation does not change the Louisiana Department of Education's responsibilities related to processing and reviewing due process complaints and is not expected to have a fiscal impact on the department.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}


Patrice Thomas
Deputy Fiscal Officer