

2026 Regular Session

HOUSE BILL NO. 342

BY REPRESENTATIVE KNOX

EDUCATION/SPECIAL: 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

1 AN ACT

2 To enact R.S. 17:1946(B)(3), relative to special education; to provide for special education
3 due process hearings; to provide that local education agencies shall have the burden
4 of proof in such hearings relative to the appropriateness of a student's current or
5 proposed placement or program; to provide for how the burden of proof shall be met;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:1946(B)(3) is hereby enacted to read as follows:

9 §1946. Procedural safeguards

10 * * *

11 B.

12 * * *

13 (3) In any special education due process hearing, the local education agency
14 shall have the burden of proof, including the burden of persuasion and production,
15 relative to the appropriateness of a student's program or placement or the
16 appropriateness of the program or placement proposed by the agency. This burden
17 shall be met by a preponderance of the evidence.

18 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 342 Original

2026 Regular Session

Knox

Abstract: 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 and that the burden of proof shall be met by a preponderance of the evidence.

Present law requires the state Dept. of Education, the Special School District, and the local education agencies to establish and maintain regulations and procedures in accordance with present law and the federal law (IDEA) to ensure that students with exceptionalities and their parents are provided procedural safeguards for the provision of free appropriate public education by such agencies, including provisions for special education due process hearings.

Proposed law retains present law and adds that in all such hearings, the local education agency shall have the burden of proof, including the burden of persuasion and production, relative to the appropriateness of a student's program or placement or the appropriateness of the program or placement proposed by the agency. Provides that this burden shall be met by a preponderance of the evidence.

(Adds R.S. 17:1946(B)(3))