

AN ACT

relating to the limitation period for filing a complaint and requesting a special education impartial due process hearing.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act may be cited as the Edgar Pacheco Jr. Act.

SECTION 2. Subchapter A, Chapter 29, Education Code, is amended by adding Section 29.0164 to read as follows:

Sec. 29.0164. LIMITATION PERIOD FOR FILING COMPLAINT AND REQUESTING SPECIAL EDUCATION DUE PROCESS HEARING. The commissioner or agency may not adopt or enforce a rule that establishes a shorter period for filing a due process complaint alleging a violation of state or federal special education laws and requesting an impartial due process hearing than the maximum timeline designated under 20 U.S.C. Sections 1415(b)(6) and (f)(3).

SECTION 3. Section 29.0164, Education Code, as added by this Act, applies only to a complaint filed and an impartial due process hearing requested on or after the effective date of this Act. A complaint filed and an impartial due process hearing requested before the effective date of this Act are governed by the law in effect at the time the complaint was filed and the impartial due process hearing was requested, and the former law is continued in effect for that purpose.

SECTION 4. As soon as practicable after the effective date

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1 of this Act, the commissioner of education shall amend rules as
2 necessary to comply with Section 29.0164, Education Code, as added
3 by this Act.

4 SECTION 5. This Act takes effect September 1, 2022.

President of the Senate

Speaker of the House

I certify that H.B. No. 1252 was passed by the House on May 11, 2021, by the following vote: Yeas 95, Nays 47, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1252 on May 28, 2021, by the following vote: Yeas 113, Nays 29, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1252 was passed by the Senate, with amendments, on May 26, 2021, by the following vote: Yeas 25, Nays 6.

Secretary of the Senate

APPROVED: _____

Date

Governor