

BILL ANALYSIS

C.S.H.B. 1225
By: Eissler
Public Education
Committee Report (Substituted)

BACKGROUND

Under current law, there are no provisions regarding special education claims and requirements relating to the time limit a claim may be filed after an alleged violation. The Texas Education Agency (TEA) implemented new regulations regarding special education claims, including requirements that claims relating to special education be brought within one year of the date the complaining party knew or should have known of the alleged violation and that any appeals of decisions of special education hearing officers be brought within 90 days of the decision. However, opponents filed suit against TEA which resulted in a Travis County District Court order holding that the one-year statute of limitations is constitutional, but the 90-day period to file an appeal is not.

PURPOSE

House Bill 1225 provides statutory time limits for a parent or a public education agency to request a special education due process hearing and to file a judicial appeal of a special education hearing officer's decision. The purpose of the bill is to provide a one-year statute of limitations for special education claims in order to bring finality to conflicts or potential conflicts between schools and parents.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency or institution.

ANALYSIS

House Bill 1225 amends the Education Code to provide that a person, requesting a special education impartial due process hearing under the federal education of children with disabilities provisions (20 U.S.C. Section 1415), is required to make this request no later than the first anniversary when the person knew or should have known about the alleged action that is the basis for the request. The bill requires that such a person initiate a civil action to appeal a decision of a hearing officer in a special education impartial due process hearing no later than the 90th day after the date a written decision is issued.

These provisions apply only in relation to a special education impartial due process hearing or appeal that occurs on or after September 1, 2003.

EFFECTIVE DATE

September 1, 2003.