

By: Eissler

H.B. No. 1225

A BILL TO BE ENTITLED

1 AN ACT

2 relating to time limits for requesting a special education due  
3 process hearing and filing an appeal of a special education hearing  
4 officer's decision.

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

6 SECTION 1. Subchapter A, Chapter 29, Education Code, is  
7 amended by adding Section 29.018 to read as follows:

8 Sec. 29.018. TIME LIMITS FOR IMPARTIAL DUE PROCESS HEARING  
9 REQUESTS AND APPEALS. (a) A person must request a special education  
10 impartial due process hearing under 20 U.S.C. Section 1415 not  
11 later than the first anniversary of the date on which the person  
12 knew or should have known of the alleged action that is the basis  
13 for the request.

14 (b) A person must initiate a civil action to appeal a  
15 decision of a hearing officer in a special education impartial due  
16 process hearing under 20 U.S.C. Section 1415 not later than the 90th  
17 day after the date on which the hearing officer issues a written  
18 decision.

19 SECTION 2. (a) Section 29.018, Education Code, as added by  
20 this Act, applies only to a special education impartial due process  
21 hearing or an appeal of a hearing officer's decision related to an  
22 action that occurs on or after September 1, 2003.

23 (b) A special education impartial due process hearing or an  
24 appeal of a hearing officer's decision related to an action that

1 occurs before September 1, 2003, is governed by the law in effect  
2 when the action occurred, and the former law is continued in effect  
3 for that purpose.

4 SECTION 3. This Act takes effect September 1, 2003.