

AN ACT

relating to representation of a person in a special education impartial due process hearing.

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

SECTION 1. Subchapter A, Chapter 29, Education Code, is amended by adding Section 29.0162 to read as follows:

Sec. 29.0162. REPRESENTATION IN SPECIAL EDUCATION DUE PROCESS HEARING. (a) A person in an impartial due process hearing brought under 20 U.S.C. Section 1415 may be represented by:

(1) an attorney who is licensed in this state; or

(2) an individual who is not an attorney licensed in this state but who has special knowledge or training with respect to problems of children with disabilities and who satisfies qualifications under Subsection (b).

(b) The commissioner by rule shall adopt additional qualifications required of a representative for purposes of Subsection (a)(2). The rules must:

(1) prohibit an individual from being a representative under Subsection (a)(2) opposing a school district if:

(A) the individual has prior employment experience with the district; and

(B) the district raises an objection to the individual serving as a representative; and

(2) include requirements that the representative have

1 knowledge of:

2 (A) special education due process rules,
3 hearings, and procedure; and

4 (B) federal and state special education laws.

5 (c) A special education due process hearing officer shall
6 determine whether an individual satisfies qualifications under
7 Subsections (a)(2) and (b).

8 (d) The agency is not required to license or in any way other
9 than as provided by Subsection (b) regulate representatives
10 described by Subsection (a)(2) in a special education impartial due
11 process hearing.

12 SECTION 2. Section 29.0162, Education Code, as added by
13 this Act, applies only to representation at an impartial due
14 process hearing brought under 20 U.S.C. Section 1415 that begins on
15 or after the effective date of the Act.

16 SECTION 3. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 709 passed the Senate on April 16, 2013, by the following vote: Yeas 29, Nays 0; and that the Senate concurred in House amendments on May 25, 2013, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 709 passed the House, with amendments, on May 22, 2013, by the following vote: Yeas 145, Nays 3, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor