

BILL ANALYSIS

Senate Research Center

S.B. 2141
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Education
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 2141 requires that special education advocates who work with parents and students in special education due process hearings be subject to a voluntary code of ethics. It also requires them to put the terms of their agreement into writing. In that writing, they must also include a process for resolving disputes with parents.

S.B. 2141 amends current law relating to requirements for a representative for a student in a special education due process hearing.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the commissioner of education is modified in SECTION 1 (Section 29.0162, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 29.0162, Education Code, by amending Subsection (b) and adding Subsection (e), as follows:

(b) Requires the commissioner of education (commissioner), by rule, to adopt additional qualifications and requirements for a representative for purposes of Subsection (a)(2) (relating to the representation of a person in a certain impartial due process hearing). Requires that the rules:

(1) and (2) makes no changes to these subdivisions;

(3) require, if the representative receives monetary compensation from a person for representation in an impartial due process hearing, that the representative agree to abide by a voluntary code of ethics and professional conduct during the period of representation; and

(4) require, if the representative receives monetary compensation from a person for representation in an impartial due process hearing, that the representative enter into a written agreement for representation with the person who is the subject of the special education due process hearing that includes a process for resolving any disputes between the representative and the person.

Makes nonsubstantive changes.

(e) Provides that the written agreement for representation required under Subsection (b)(4) is considered confidential, and is prohibited from being disclosed.

SECTION 2. Provides that this Act applies beginning with the 2017-2018 school year.

SECTION 3. Effective date: upon passage or September 1, 2017.