

By: Taylor of Galveston
(Howard)

S.B. No. 2141

A BILL TO BE ENTITLED

AN ACT

relating to requirements for a representative for a student in a special education due process hearing.

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

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

(b) The commissioner by rule shall adopt additional qualifications and requirements for ~~[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 knowledge of:

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

(B) federal and state special education laws;

(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

1 voluntary code of ethics and professional conduct during the period
2 of representation; and

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

10 (e) The written agreement for representation required under
11 Subsection (b)(4) is considered confidential and may not be
12 disclosed.

13 SECTION 2. This Act applies beginning with the 2017-2018
14 school year.

15 SECTION 3. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2017.