

SENATE AMENDMENTS

2nd Printing

By: Moody

H.B. No. 3632

A BILL TO BE ENTITLED

AN ACT

relating to extension of the timeline for a parent to request a special education impartial due process hearing in certain circumstances.

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

SECTION 1. Subchapter A, Chapter 29, Education Code, is amended by adding Section 29.0163 to read as follows:

Sec. 29.0163. EXTENDED TIMELINE TO REQUEST SPECIAL EDUCATION DUE PROCESS HEARING. (a) In this section, "servicemember" means a member of:

(1) the armed forces;

(2) the commissioned corps of the National Oceanic and Atmospheric Administration; or

(3) the commissioned corps of the Public Health Service.

(b) The timeline for the parent of a student to request an impartial due process hearing under 20 U.S.C. Section 1415(b) does not apply if:

(1) the parent is a servicemember and is entitled to a tolling of statutes of limitation under 50 U.S.C. Section 3936(a);

or

(2) the parent was prevented from requesting the hearing as provided under 20 U.S.C. Section 1415(f)(3)(D).

SECTION 2. This Act takes effect September 1, 2017.

ADOPTED

MAY 23 2017

Leta Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Jose Rodriguez*

1 Amend H.B. No. 3632 (senate committee printing) by striking
2 all below the enacting clause and substituting the following:

3 SECTION 1. Subchapter A, Chapter 29, Education Code, is
4 amended by adding Section 29.0163 to read as follows:

5 Sec. 29.0163. PROTECTION OF THE RIGHTS OF MILITARY FAMILIES
6 WITH CHILDREN WITH DISABILITIES. (a) In this section,
7 "servicemember" means a member of:

8 (1) the armed forces;

9 (2) the Commissioned Corps of the National Oceanic and
10 Atmospheric Administration; or

11 (3) the Commissioned Corps of the United States Public
12 Health Service.

13 (b) The agency must include in the notice of procedural
14 safeguards that the statute of limitations for the parent of a
15 student to request an impartial due process hearing under 20 U.S.C.
16 Section 1415(b) may be tolled if the parent is an active-duty
17 servicemember and 50 U.S.C. Section 3936 applies to the parent.

18 (c) The commissioner shall adopt rules to implement this
19 section.

20 SECTION 2. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2017.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 24, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3632 by Moody (Relating to extension of the timeline for a parent to request a special education impartial due process hearing in certain circumstances.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would extend the statute of limitations for requesting an impartial special education due process hearing under certain circumstances. The bill would require the Texas Education Agency to include in the notice of procedural safeguards that the statute of limitations for the parent of a student to request an impartial due process hearing under 20 U.S.C. Section 1415(c) may be tolled if the parent is an active-duty servicemember and 50 U.S.C. Section 3936 applies to the parent. The bill would take effect September 1, 2017.

The Texas Education Agency indicates the agency can implement the provisions of the legislation within existing resources.

Local Government Impact

TEA estimates additional requests for due process hearings could increase the amount of time and resources that district staff would need to devote to responding to the requests. The amount of additional time and resources will vary depending on the number of students with active duty service member parents at the district, number of requests and issue of the request. In addition, districts may incur minimal costs related to print copies of the revised Notice of Procedural Safeguards.

Source Agencies: 701 Texas Education Agency

LBB Staff: UP, THo, AM, AW

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 12, 2017

TO: Honorable Larry Taylor, Chair, Senate Committee on Education

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3632 by Moody (Relating to extension of the timeline for a parent to request a special education impartial due process hearing in certain circumstances.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Education Code to extend the statute of limitations for requesting an impartial special education due process hearing under certain circumstances. The Texas Education Agency estimates the agency can implement the provisions of the bill using existing resources.

Local Government Impact

School districts and charter schools may experience an increase in administrative resources since additional requests for due process hearings could increase the amount of time and resources that staff would need to devote to responding to the requests.

Source Agencies: 701 Texas Education Agency

LBB Staff: UP, THo, AM, AW

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 30, 2017

TO: Honorable Dan Huberty, Chair, House Committee on Public Education

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3632 by Moody (Relating to extension of the timeline for a parent to request a special education impartial due process hearing in certain circumstances.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Education Code to extend the statute of limitations for requesting an impartial special education due process hearing under certain circumstances. The Texas Education Agency estimates the agency can implement the provisions of the bill using existing resources.

Local Government Impact

School districts and charter schools may experience an increase in administrative resources since additional requests for due process hearings could increase the amount of time and resources that staff would need to devote to responding to the requests.

Source Agencies: 701 Texas Education Agency

LBB Staff: UP, THo, AM, AW