86R6167 SOS-D

By:  Moody H.B. No. 1093

A BILL TO BE ENTITLED

AN ACT

relating to the limitation period for filing a complaint and requesting 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 29.0164 to read as follows:

Sec. 29.0164.  LIMITATION PERIOD FOR FILING COMPLAINT AND REQUESTING SPECIAL EDUCATION DUE PROCESS HEARING. The commissioner or agency may not adopt or enforce a rule that establishes a shorter period for filing a due process complaint alleging a violation of state or federal special education laws and requesting an impartial due process hearing than the maximum timeline designated under 20 U.S.C. Sections 1415(b)(6) and (f)(3).

SECTION 2.  (a) The change in law made by Section 29.0164, Education Code, as added by this Act, applies to:

(1)  a complaint filed and an impartial due process hearing requested on or after the effective date of this Act; and

(2)  a complaint and an impartial due process hearing request pending on the effective date of this Act.

(b)  Subsection (a) of this section applies regardless of whether the complaint or hearing request:

(1)  would be barred by application of the limitation period in effect immediately before the effective date of this Act but would not be barred by application of the change in law made by Section 29.0164, Education Code, as added by this Act; or

(2)  was previously determined to be barred by application of the limitation period in effect immediately before the effective date of this Act but would not be barred by application of the change in law made by Section 29.0164, Education Code, as added by this Act.

SECTION 3.  As soon as practicable after the effective date of this Act, the commissioner of education shall amend rules as necessary to comply with Section 29.0164, Education Code, as added by this Act.

SECTION 4.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.