

By: Moody

H.B. No. 1093

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the limitation period for filing a complaint and
3 requesting a special education impartial due process hearing.

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

5 SECTION 1. Subchapter A, Chapter 29, Education Code, is
6 amended by adding Section 29.0164 to read as follows:

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

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

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

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

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

22 (1) would be barred by application of the limitation
23 period in effect immediately before the effective date of this Act
24 but would not be barred by application of the change in law made by

1 Section 29.0164, Education Code, as added by this Act; or

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

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

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