

By: Bucy

H.B. No. 3446

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a required training course for persons serving as
3 special education representatives and hearing officers at
4 impartial due process hearings or as facilitators for
5 individualized education program facilitation.

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

7 SECTION 1. Section 29.0162(b), Education Code, is amended
8 to read as follows:

9 (b) The commissioner by rule shall adopt additional
10 qualifications and requirements for a representative for purposes
11 of Subsection (a)(2). The rules must:

12 (1) prohibit an individual from being a representative
13 under Subsection (a)(2) opposing a school district if:

14 (A) the individual has prior employment
15 experience with the district; and

16 (B) the district raises an objection to the
17 individual serving as a representative;

18 (2) include requirements that the representative have
19 knowledge of:

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

22 (B) federal and state special education laws;

23 (3) require, if the representative receives monetary
24 compensation from a person for representation in an impartial due

1 process hearing, that the representative agree to abide by a
2 [~~voluntary~~] code of ethics and professional conduct during the
3 period of representation; [~~and~~]

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

11 (5) require, if the representative is not a parent of
12 or person standing in parental relation to the student being
13 represented in an impartial due process hearing, that the
14 representative complete a special education law training course in
15 accordance with Section 29.0165 before the hearing.

16 SECTION 2. Subchapter A, Chapter 29, Education Code, is
17 amended by adding Section 29.0165 to read as follows:

18 Sec. 29.0165. SPECIAL EDUCATION LAW TRAINING COURSE FOR DUE
19 PROCESS HEARINGS AND INDIVIDUALIZED EDUCATION PROGRAM
20 FACILITATION. (a) In this section, "council" means the Texas
21 Council for Developmental Disabilities.

22 (b) The agency shall contract with the council to have the
23 council develop and offer a training course on special education
24 law for persons serving as representatives for students or as
25 hearing officers for impartial due process hearings or as
26 facilitators for individualized education program facilitation.
27 The course must be approved by the executive director of the council

1 and require a participant to:

2 (1) complete at least 30 hours of instruction in
3 special education law; and

4 (2) pass an examination adopted by the council.

5 (c) The executive director of the council must approve any
6 examination administered under this section.

7 (d) Except as provided by Subsection (e), a person may not
8 serve as a representative for a student or as a hearing officer at
9 an impartial due process hearing or as a facilitator for
10 individualized education program facilitation under this chapter
11 unless the person has completed the training required by this
12 section and satisfactorily passed the course examination.

13 (e) A person may serve as a facilitator for a school
14 district's individualized education program facilitation under
15 Section 29.019 without completing the training required by
16 Subsection (b)(1) if:

17 (1) the person:

18 (A) is certified in special education; or

19 (B) has served as a facilitator for at least five
20 years; and

21 (2) the person satisfactorily passes the examination
22 administered under Subsection (b)(2).

23 (f) The agency may use any federal funds received under Part
24 B, Individuals with Disabilities Education Act (IDEA)(20 U.S.C.
25 Section 1411 et seq.), to administer this section.

26 SECTION 3. (a) This Act applies beginning with the
27 2022-2023 school year.

1 (b) As soon as practicable after the effective date of this
2 Act:

3 (1) the commissioner of education or the Texas Council
4 for Developmental Disabilities, as appropriate, shall adopt rules
5 necessary to implement the changes in law made by this Act; and

6 (2) the Texas Council for Developmental Disabilities
7 shall develop the special education law training course required by
8 Section 29.0165, Education Code, as added by this Act.

9 SECTION 4. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2021.