

SENATE AMENDMENTS

2nd Printing

By: Moody, Thompson of Harris,
Thompson of Brazoria, et al.

H.B. No. 1252

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. Section 29.0164, Education Code, as added by
this Act, applies only to a complaint filed and an impartial due
process hearing requested on or after the effective date of this
Act. A complaint filed and an impartial due process hearing
requested before the effective date of this Act are governed by the
law in effect at the time the complaint was filed and the impartial
due process hearing was requested, and the former law is continued
in effect for that purpose.

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

H.B. No. 1252

1 by this Act.

2 SECTION 4. This Act takes effect September 1, 2022.

FLOOR AMENDMENT NO. 1

BY: Lay Taylor

1 Amend H.B. No. 1252 (senate committee printing) by adding the
2 following appropriately numbered SECTION to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. This Act may be cited as the Edgar Pacheco Jr.
5 Act.

ADOPTED

MAY 26 2021

Latey Law
Secretary of the Senate

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 27, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1252 by Moody (Relating to the limitation period for filing a complaint and requesting a special education impartial due process hearing.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would prohibit the Texas Education Agency (TEA) from establishing a shorter period for filing a complaint alleging a violation of special education laws than the maximum timeline required under federal law.

It is assumed that any costs associated with the bill's provisions could be absorbed using existing resources.

Local Government Impact

According to TEA, the bill could result in more due process hearing requests, local education agencies (LEAs) could see increased costs related to those hearings. In addition, costs resulting from the increased hearings, such as costs related to liability and attorney fees, could increase for some LEAs.

Source Agencies: 701 Texas Education Agency

LBB Staff: JMc, CMA, SL, THO, AH

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 19, 2021

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1252 by Moody (Relating to the limitation period for filing a complaint and requesting a special education impartial due process hearing.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

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Source Agencies: 701 Texas Education Agency

LBB Staff: JMc, SL, THO, AH

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 11, 2021

TO: Honorable Harold V. Dutton, Jr., Chair, House Committee on Public Education

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1252 by Moody (Relating to the limitation period for filing a complaint and requesting a special education impartial due process hearing.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would prohibit the Texas Education Agency (TEA) from establishing a shorter period for filing a complaint alleging a violation of special education laws than the maximum timeline required under federal law.

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