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H.B. No. 1813

A BILL TO BE ENTITLED

AN ACT

relating to a parental right to information concerning a public school special education program and certain requirements for persons serving as special education representatives and hearing officers at impartial due process hearings; authorizing a fee.

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

SECTION 1. Section 26.0081, Education Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The agency shall produce and provide to school districts sufficient copies of a comprehensive, easily understood document that explains the process by which an individualized education program is developed for a student in a special education program and the rights and responsibilities of a parent concerning the process. The document must include information:

(1) necessary for a parent ~~[needs]~~ to effectively participate in an admission, review, and dismissal committee meeting for the parent's child;

(2) regarding the right to representation by an attorney or other representative in a special education due process hearing under Section 29.0162; and

(3) regarding how to file a consumer complaint related to the service provided by an individual who is eligible to serve as a non-attorney representative under Section 29.0162(a)(2) or

1 29.0165 and accepts payment for services from a parent.

2 (a-1) The agency shall include the information described by
3 Subsections (a)(2) and (3) in the notice of procedural safeguards
4 provided to a parent or legal guardian under 20 U.S.C. Section
5 1415(b).

6 SECTION 2. Sections 29.0162(b) and (d), Education Code, are
7 amended to read as follows:

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

11 (1) prohibit an individual from being a representative
12 under Subsection (a)(2) opposing a school district if the
13 individual has been determined to have engaged in a false,
14 misleading, or deceptive act or practice actionable under
15 Subchapter E, Chapter 17, Business & Commerce Code [if:

16 [(A) the individual has prior employment
17 experience with the district, and

18 [(B) the district raises an objection to the
19 individual serving as a representative];

20 (2) include requirements that the representative have
21 knowledge of:

22 (A) special education due process rules,
23 hearings, and procedure; and

24 (B) federal and state special education laws;

25 (3) require, if the representative receives monetary
26 compensation from a person for representation in an impartial due
27 process hearing, that the representative agree to abide by a

1 ~~[voluntary]~~ code of ethics and professional conduct during the
2 period of representation; ~~[and]~~

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

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

15 (d) The agency is not required to license or in any way other
16 than as provided by Subsection (b) or Section 29.0165 regulate
17 representatives described by Subsection (a)(2) in a special
18 education impartial due process hearing.

19 SECTION 3. Subchapter A, Chapter 29, Education Code, is
20 amended by adding Section 29.0165 to read as follows:

21 Sec. 29.0165. SPECIAL EDUCATION LAW TRAINING COURSE. (a)
22 The agency shall collaborate with regional education service
23 centers to develop and offer a training course on special education
24 law for persons serving as non-attorney representatives for
25 students. The course:

26 (1) must include information on:

27 (A) state and federal laws, rules, and

1 regulations related to special education;

2 (B) state and federal rules and procedures that
3 apply to due process hearings, including 34 C.F.R. Sections 300.507
4 through 300.515 and 300.532;

5 (C) the Family Educational Rights and Privacy Act
6 of 1974 (20 U.S.C. Section 1232g); and

7 (D) accepted standards for ethics; and

8 (2) may include a final exam, as approved by the
9 agency.

10 (b) In developing the training course under Subsection (a),
11 the agency shall:

12 (1) consult with relevant stakeholders, including
13 representatives of school districts and parents of students who
14 have participated in a special education due process hearing under
15 Section [29.0162](#); and

16 (2) make a good faith effort to accurately represent
17 the interests of school districts and parents of students who are
18 the subject of a special education due process hearing.

19 (c) As soon as practicable after the conclusion of each
20 legislative session, the agency shall collaborate with regional
21 education service centers to develop and offer a biennial update
22 training course to persons who have completed the training under
23 Subsection (a).

24 (d) The agency may charge a fee for a person to participate
25 in a training course developed under Subsection (a) or (c).

26 (e) The agency shall offer to individuals who have
27 demonstrated a financial need options to take the training courses

1 described by Subsections (a) and (c) for free or at a discounted
2 price.

3 (f) A person may accept payment from a student's parent to
4 serve as a non-attorney representative for a student in an
5 impartial due process hearing brought under 20 U.S.C. Section 1415
6 only if the person has:

7 (1) completed the training described by Subsection (a)
8 or another training course developed or adopted by the agency;

9 (2) if applicable, completed the most recent biennial
10 update training described by Subsection (c) or another update
11 training course developed or adopted by the agency not later than
12 one year after the update training is offered;

13 (3) not engaged in a false, misleading, or deceptive
14 act or practice actionable under Subchapter E, Chapter 17, Business
15 & Commerce Code; and

16 (4) presented proof of the person's eligibility to
17 serve as a non-attorney representative under this subsection to the
18 student's parent.

19 (g) For purposes of Subsection (f)(1), the agency may adopt
20 an existing statewide or nationwide special education law training
21 course.

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

25 (i) The agency shall post on the agency's Internet website a
26 list of training courses developed or adopted for purposes of
27 Subsection (f).

1 (j) Each school district shall post on the school district's
2 Internet website the list of training courses described by
3 Subsection (i).

4 SECTION 4. (a) As soon as practicable after the effective
5 date of this Act:

6 (1) the commissioner of education, in collaboration
7 with regional education service centers, as appropriate, shall
8 adopt rules necessary to implement the changes in law made by this
9 Act; and

10 (2) the Texas Education Agency, in collaboration with
11 regional education service centers, shall develop the special
12 education law training course required by Section 29.0165,
13 Education Code, as added by this Act.

14 (b) The commissioner of education shall adopt rules to
15 implement the training requirements under Section 29.0162(b)(5),
16 Education Code, and Section 29.0165, Education Code, as added by
17 this Act, not later than one year after the agency has developed the
18 special education law training course as required by Subsection
19 (a)(2) of this section.

20 SECTION 5. 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, 2025.