

By: Bucy

H.B. No. 1813

Substitute the following for H.B. No. 1813:

By: Buckley

C.S.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:

13 (A) if the individual has been determined to have
14 engaged in a false, misleading, or deceptive act or practice
15 actionable under Subchapter E, Chapter 17, Business & Commerce
16 Code; or

17 (B) if:

18 (i) [~~(A)~~] the individual has prior
19 employment experience with the district; and

20 (ii) [~~(B)~~] the district raises an objection
21 to the individual serving as a representative;

22 (2) include requirements that the representative have
23 knowledge of:

24 (A) special education due process rules,
25 hearings, and procedure; and

26 (B) federal and state special education laws;

27 (3) require, if the representative receives monetary

1 compensation from a person for representation in an impartial due
2 process hearing, that the representative agree to abide by a
3 ~~[voluntary]~~ code of ethics and professional conduct during the
4 period of representation; ~~[and]~~

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

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

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

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

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

1 (1) must include information on:

2 (A) state and federal laws, rules, and
3 regulations related to special education;

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

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

9 (D) accepted standards for ethics; and

10 (2) may include a final exam, as approved by the
11 agency.

12 (b) In developing the training course under Subsection (a),
13 the agency shall:

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

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

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

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

1 (e) The agency shall offer to individuals who have
2 demonstrated a financial need options to take the training courses
3 described by Subsections (a) and (c) for free or at a discounted
4 price.

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

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

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

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

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

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

24 (h) The agency may use any federal funds received under Part
25 B, Individuals with Disabilities Education Act (20 U.S.C. Section
26 1411 et seq.), to administer this section.

27 (i) The agency shall post on the agency's Internet website a

1 list of training courses developed or adopted for purposes of
2 Subsection (f).

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

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

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

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

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

22 SECTION 5. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2025.