

By: Bucy

H.B. No. 1813

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a parental right to information concerning a public  
3 school special education program and certain requirements for  
4 persons serving as special education representatives and hearing  
5 officers at impartial due process hearings.

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

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

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

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

19 (2) regarding the right to representation by an  
20 attorney or other representative in a special education due process  
21 hearing under Section [29.0162](#);

22 (3) regarding how to access the Internet website  
23 listing individuals eligible to serve as a representative under  
24 Section [29.0165\(g\)](#); and

1           (4) regarding how to file a consumer complaint related  
2 to the service provided by an individual who is eligible to serve as  
3 a non-attorney representative under Section 29.0162(a)(2) or  
4 29.0165 and accepts payment for services from a parent.

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

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

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

14           (1) prohibit an individual from being a representative  
15 under Subsection (a)(2) opposing a school district:

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

20                   (B) if:

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

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

25           (2) include requirements that the representative have  
26 knowledge of:

27                   (A) special education due process rules,

1 hearings, and procedure; and

2 (B) federal and state special education laws;

3 (3) require, if the representative receives monetary  
4 compensation from a person for representation in an impartial due  
5 process hearing, that the representative agree to abide by a  
6 ~~voluntary~~ code of ethics and professional conduct during the  
7 period of representation; ~~and~~

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

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

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

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

26 Sec. 29.0165. SPECIAL EDUCATION LAW TRAINING COURSE. (a)  
27 The agency shall collaborate with regional education service

1 centers to develop and offer a training course on special education  
2 law for persons serving as non-attorney representatives for  
3 students or as hearing officers for impartial due process hearings.

4 The course:

5 (1) must include information on:

6 (A) state and federal laws, rules, and  
7 regulations related to special education;

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

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

13 (D) accepted standards for ethics; and

14 (2) may include a final exam, as approved by the  
15 agency.

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

21 (c) The agency shall offer to individuals who have  
22 demonstrated a financial need options to take the training courses  
23 described by Subsections (a) and (b) for free or at a discounted  
24 price.

25 (d) A person may accept payment from a student's parent to  
26 serve as a non-attorney representative for a student in an  
27 impartial due process hearing brought under 20 U.S.C. Section 1415

1 only if the person has:

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

4 (2) if applicable, completed the most recent biennial  
5 update training described by Subsection (b) or another update  
6 training course developed or adopted by the agency not later than  
7 one year after the update training is offered;

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

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

14 (e) A school district employee may request a non-attorney  
15 representative to attest to the employee's eligibility to serve as  
16 a non-attorney representative under Subsection (d).

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

20 (g) The agency shall post on the agency's Internet website a  
21 list of:

22 (1) individuals who:

23 (A) are eligible to serve as a representative  
24 under Section 29.0162(a)(2) or Subsection (d) of this section; and

25 (B) request to be included on the list; and

26 (2) training courses developed or adopted for purposes  
27 of Subsection (d).

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

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.