

By: Howard

H.B. No. 4126

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.

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

6 SECTION 1. Section 29.0162(b), Education Code, is amended
7 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:

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

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

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

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

21 (B) federal and state special education laws;

22 (3) require, if the representative receives monetary
23 compensation from a person for representation in an impartial due
24 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 standing in parental relation to 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 SECTION 2. Subchapter A, Chapter 29, Education Code, is
16 amended by adding Section 29.0165 to read as follows:

17 Sec. 29.0165. SPECIAL EDUCATION LAW TRAINING COURSE FOR DUE
18 PROCESS HEARINGS. (a) The agency shall develop and offer a
19 training course on special education law for persons serving as
20 representatives for students or as hearing officers for impartial
21 due process hearings. The course must be approved by the
22 commissioner and require a participant to:

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

25 (2) pass an examination at the end of the course.

26 (b) The commissioner must approve any examination
27 administered under this section.

1 (c) A person may not serve as a representative for a student
2 or a hearing officer at an impartial due process hearing under this
3 chapter unless the person has completed the training required by
4 this section and satisfactorily passed the course examination.

5 SECTION 3. (a) This Act applies beginning with the
6 2020-2021 school year.

7 (b) As soon as practicable after the effective date of this
8 Act:

9 (1) the commissioner of education shall adopt rules
10 necessary to implement the changes in law made by this Act; and

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

14 SECTION 4. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2019.