

SUBJECT: Adjusting the timeline for certain special education due process hearings

COMMITTEE: Public Education — favorable, without amendment

VOTE: 12 ayes — Dutton, Lozano, Allen, Allison, K. Bell, Bernal, Buckley, Huberty, K. King, Meza, Talarico, VanDeaver

0 nays

1 absent — M. González

WITNESSES: For — Daniel Garza, Cirkel & Associates, PC; Steven Aleman, Disability Rights Texas; Louis Geigerman; Siondra Kaplan; Edgar Pacheco Jr; Olivia B. Ruiz; Columba Wilson; (*Registered, but did not testify*: Jennifer Toon, Coalition of Texans with Disabilities; Lisa Flores, Easterseals Central Texas; Christine Broughal, Texans for Special Education Reform; Stephen Howsley, Texas Home School Coalition; Linda Litzinger, Texas Parent to Parent; and 13 individuals)

Against — Kristin Mcguire, TCASE; Andrew Tatgenhorst, Texas School Alliance and Texas Association of School Administrators; Dana Johnson; (*Registered, but did not testify*: Grover Campbell, TASB; Barry Haenisch, Texas Association of Community Schools; Casey McCreary, Texas Association of School Administrators; Mark Terry, Texas Elementary Principals and Supervisors Association; Dee Carney, Texas School Alliance)

On — (*Registered, but did not testify*: Eric Marin and Justin Porter, Texas Education Agency)

BACKGROUND: Concerns have been raised about the statute of limitations for filing a due process complaint alleging a violation of state or federal special education laws and requesting a special education impartial due process hearing. Some have suggested extending the period within which these actions may be taken to comply with federal law and to make the process fairer for families.

DIGEST: HB 1252 would prohibit the commissioner of education or the Texas Education Agency from adopting or enforcing a rule that established a shorter period than the maximum timeline designated under federal law for filing a due process complaint alleging a violation of state or federal special education laws and requesting an impartial due process hearing.

The commissioner of education would be required to amend rules as necessary to comply with the provisions of the bill as soon as practicable after the bill's effective date.

The bill would take effect September 1, 2022, and would apply only to a complaint filed and an impartial due process hearing requested on or after that date.