

BILL ANALYSIS

Senate Research Center
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H.B. 3632
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Education
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Military families who have children with disabilities often face difficulties balancing the needs of their children at home and at school. H.B. 3632 is tailored to confirm that service members may invoke federal law that states time in active duty is not counted towards Texas' one-year time limit in due process hearings.

Due process hearings are arduous, time-intensive, and often money-intensive endeavors. When a parent serves in the military, the strenuous commitment and duty to our country causes these parents to have more difficulty in fulfilling all the requirements to best advocate for their child's needs. Allowing servicemember families to have an extended timeline instead of one year could be the difference for their children. These hearings are often a last resort for parents who need their child's Individual Education Plan to better reflect their child's specific needs. Military families should be allowed to take advantage of the existing federal mandate as to address the needs of these dedicated families who often have difficulty meeting Texas' one year mandate.

H.B. 3632 amends current law relating to extension of the timeline for a parent to request a special education impartial due process hearing in certain circumstances.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 29, Education Code, by adding Section 29.0163, as follows:

Sec. 29.0163. EXTENDED TIMELINE TO REQUEST SPECIAL EDUCATION DUE PROCESS HEARING. (a) Defines "servicemember."

(b) Provides that the timeline for the parent of a student to request an impartial due process hearing under 20 U.S.C. Section 1415(b) does not apply if:

(1) the parent is a servicemember and is entitled to a tolling of statutes of limitation under 50 U.S.C. Section 3936 (a); or

(2) the parent was prevented from requesting the hearing as provided under 20 U.S.C. Section 1415(f)(3)(D).

SECTION 2. Effective date: September 1, 2017.