

HCS HB 1876 & 1877 -- SPECIAL EDUCATION DUE PROCESS

SPONSOR: Cunningham (86)

COMMITTEE ACTION: Voted "do pass by consent" by the Committee on Elementary and Secondary Education by a vote of 12 to 0.

Currently, a special education due process hearing requires a five-business-day notice for the introduction of evidence unless it is an expedited hearing. This substitute removes the exception for expedited hearings and makes the five-day notice applicable to all special education due process hearings.

Currently, if a resolution session or preliminary meeting to discuss a special education placement reaches a settlement, the written settlement agreement will be implemented. The substitute clarifies that the designee of the responsible public agency must sign the agreement and that the agency, usually the local school district, must identify a designee who has the authority to bind the agency.

FISCAL NOTE: No impact on state funds in FY 2009, FY 2010, and FY 2011.

PROPOSERS: Supporters say that both bills are needed as a result of changes to the federal Individuals with Disabilities Education Act to bring state law into compliance.

Testifying for the bill were Representative Cunningham (86); and Department of Elementary and Secondary Education.

OPPOSERS: There was no opposition voiced to the committee.