

PUBLIC CHAPTER NO. 678

SENATE BILL NO. 3642

By Ketron, Tate, Burks

Substituted for: House Bill No. 3485

By Winningham

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 10, Part 6, relative to special education mediations and due process hearings.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-10-601, is amended by deleting subsection (f)(3) in its entirety and by renumbering the subsequent subsection accordingly.

SECTION 2. Tennessee Code Annotated, Section 49-10-605, is amended by deleting subsection (a) in its entirety, and by substituting instead the following:

(a) All special education mediations shall be conducted by mediators who have been trained in accordance with Tennessee Supreme Court Rule 31 requirements and who are employed by or contracted by the secretary of state.

SECTION 3. Tennessee Code Annotated, Section 49-10-605, is further amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) The mediators who conduct special education mediations shall receive legal training in special education law.

SECTION 4. Tennessee Code Annotated, Section 49-10-606, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) The administrative law judges assigned to hear special education due process cases shall receive training in special education law to comport with the requirements of 20 U.S.C. § 1415. Before hearing any special education due process cases an administrative law judge shall receive intensive training in special education law. After receipt of this initial training, all administrative law judges hearing special education due process appeals shall undergo annual training in special education law.

SECTION 5. Tennessee Code Annotated, Title 49, Chapter 10, Part 6, is amended by adding the following new section, to be appropriately designated:

§ 49-10-6__. All training in special education law for the administrative law judges provided for in this part shall be approved by the administrative office of the courts in consultation with the Department of Education. The training shall be paid for by the Department of Education.

SECTION 6. This act shall take effect upon becoming law, the public welfare requiring it.

PASSED: March 17, 2008



RON RAMSEY
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 1st day of April 2008



PHIL BREDESEN, GOVERNOR