



2021-2022 General Assembly

SENATE BILL 105: 2021 Appropriations Act, Sec. 7.25: Special Education Due Process Hearings/Permit Immediate Judicial Review of ALJ Decision

Committee:		Date:	February 23, 2022
Introduced by:		Prepared by:	Brian Gwyn Staff Attorney
Analysis of:	Sec. 7.25 of S.L. 2021-180		

OVERVIEW: *Section 7.25 of S.L. 2021-180 (SB 105), as amended by Section 2.2 of S.L. 2022-6 (HB 243), allows the parties involved in special education due process complaints to immediately seek judicial review of an administrative law judge's (ALJ) decision by removing the step where the decision first had to be appealed to the State Board of Education (SBE). Therefore, any party aggrieved by the ALJ's decision can institute an action in State or federal court within 30 days of the decision. Additionally, this section requires the SBE to enforce the final decision of the ALJ. Parties who properly appealed the ALJ's decision to the SBE prior to the effective date of this section were granted an extension to file in State or federal court.*

Except for the extension of filing deadlines for pending cases, this section became effective November 18, 2021. The extension became effective March 17, 2022.

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Legislative Analysis
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