

House Bill 1477

By: Representatives Santos of the 117th, Tran of the 80th, Reese of the 140th, and Bell of the 75th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
2 relating to State Board of Education, so as to provide a registration process for special
3 education advocates; to provide for qualifications for such registration; to provide for the
4 adoption of a code of ethics for special education advocates; to provide for the Department
5 of Education to maintain a list of registered special education advocates; to require notice to
6 parents and guardians of children with disabilities of such list; to provide definitions; to
7 provide for related matters; to provide a short title; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 This Act shall be known and may be cited as the "Special Education Advocate Registration
12 Act."

13 **SECTION 2.**

14 Article 1 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to State
15 Board of Education, is amended by adding a new Code section to read as follows:

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16 "20-2-21.

17 (a) As used in this Code section, the term:

18 (1) 'Criminal background check' means a search of the criminal records maintained by
19 the Georgia Crime Information Center and the Federal Bureau of Investigation to
20 determine whether an individual has a criminal record.

21 (2) 'Criminal record' means any of the following:

22 (A) A conviction of a crime;

23 (B) An arrest, charge, and sentencing for a crime when:

24 (i) A plea of nolo contendere was entered to the charge;

25 (ii) First offender treatment without adjudication of guilt pursuant to the charge was
26 granted; or

27 (iii) Adjudication or sentence was otherwise withheld or not entered on the charge;
28 or

29 (C) An arrest and charge for a crime if the charge is pending, unless the time for
30 prosecuting such crime has expired pursuant to Chapter 3 of Title 17.

31 (3) 'Department' means the Department of Education.

32 (4) 'Individuals with Disabilities Education Act' or 'IDEA' means the federal Individuals
33 with Disabilities Education Act.

34 (5) 'Special education advocate' means an individual who is not licensed to practice law
35 in this state who represents or consults with individuals with disabilities and their parents
36 in administrative proceedings conducted pursuant to IDEA in this state and who receives
37 payment for such representation or consultation. Such term does not include a parent or
38 guardian advocating on behalf of his or her own child.

39 (6) 'State board' means the State Board of Education.

40 (b) Each special education advocate shall register with the department. A person seeking
41 to register as a special education advocate shall submit an application and pay a registration
42 fee to the department. The department shall issue a registration to a special education

43 advocate who meets the qualifications for such registration and who submits a completed
44 application form and registration fee. Such registration shall be valid for a period of one
45 year and may be renewed for additional one-year periods. The state board shall develop
46 an application form and set the registration fee and renewal fee in amounts that reflect the
47 expenses incurred by the department as a result of processing applications and renewals
48 pursuant to this subsection.

49 (c) In order to qualify for a registration or renewal provided for in subsection (b) of this
50 Code section, a special education advocate shall:

- 51 (1) Submit to a criminal background check and not have a criminal record;
52 (2) Demonstrate competency, education, and experience in special education advocacy;
53 (3) Complete additional training on special education advocacy each year; and
54 (4) Comply with the code of ethics adopted by the state board pursuant to this Code
55 section.

56 (d)(1) The state board shall adopt a code of ethics for special education advocates, and
57 such code shall:

- 58 (A) Represent standards of conduct which are generally accepted by special education
59 advocates of this state;
60 (B) Be limited to professional ethics; and
61 (C) Include provisions related to ethical billing practices.

62 (2) In adopting such code of ethics, the state board shall seek the advice of special
63 education advocates and other relevant groups of this state.

64 (e) The department shall maintain a current list of all registered special education
65 advocates on its website. Each local school system and public school shall inform the
66 parents or guardians of a child with a disability of how to access such list at the same time
67 and in the same manner as the procedural safeguards notice provided pursuant to IDEA.

68 (f) Nothing in this Code section shall be construed to regulate the practice of law or to
69 authorize any person not admitted to practice law to engage in the practice of law."

70

SECTION 3.

71 All laws and parts of laws in conflict with this Act are repealed.