

By: King of Uvalde

H.B. No. 1669

A BILL TO BE ENTITLED

AN ACT

relating to appeals and complaints arising from school laws brought by parents and public school students; authorizing the award of attorney's fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 7.057, Education Code, is amended by adding Subsection (c-1) and amending Subsection (e) to read as follows:

(c-1) Except as otherwise provided by this subsection, if the commissioner determines that an appeal brought by a parent or student against a school district is frivolous, as defined by Section 11.1511(b-1), the commissioner may order the parent or student to pay the district's reasonable attorney's fees. The commissioner shall consider an appeal brought against a school district by a parent or student relating to a matter excluded from the applicability of this section by Subsection (e)(1) to be frivolous and shall order the parent or student to pay the district's reasonable attorney's fees.

(e) This section does not apply to:

(1) a complaint concerning a student's participation in an extracurricular activity that does not involve a violation of a right guaranteed by Chapter 26;

(2) a case to which Subchapter G, Chapter 21, applies;
or

1 (3) [~~2~~] a student disciplinary action under Chapter
2 37.

3 SECTION 2. Section 11.1511, Education Code, is amended by
4 adding Subsection (b-1) to read as follows:

5 (b-1) Under the process required by Subsection (b)(13),
6 district administrators and the board of trustees are not required
7 to provide a hearing regarding a frivolous complaint. In this
8 subsection, "frivolous complaint" means a complaint brought by a
9 parent or student that is without merit and is brought with the
10 intent to harass, annoy, threaten, or vex the school district, a
11 member of the board of trustees of the school district, a school
12 district employee, or a parent of a student enrolled in the school
13 district.

14 SECTION 3. Section 26.011, Education Code, is amended to
15 read as follows:

16 Sec. 26.011. COMPLAINTS. (a) The board of trustees of each
17 school district shall adopt a grievance procedure under which the
18 board shall address each complaint that the board receives
19 concerning violation of a right guaranteed by this chapter.

20 (b) The board of trustees of a school district is not
21 required by Subsection (a) or Section 11.1511(b)(13) to address a
22 complaint that the board receives concerning a student's
23 participation in an extracurricular activity that does not involve
24 a violation of a right guaranteed by this chapter.

25 SECTION 4. This Act applies only to an appeal or complaint
26 brought on or after the effective date of this Act. An appeal or
27 complaint brought before the effective date of this Act is covered

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1 by the law in effect on the date the appeal or complaint was
2 brought, and the former law is continued in effect for that purpose.

3 SECTION 5. This Act takes effect September 1, 2017.