

By: Patterson

H.B. No. 89

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of an ombudsman for parents of children enrolled in public school.

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

SECTION 1. Subtitle E, Title 2, Education Code, is amended by adding Chapter 26A to read as follows:

CHAPTER 26A. OMBUDSMAN

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 26A.001. DEFINITION. In this chapter, "ombudsman" means the individual who has been appointed as the ombudsman under this chapter.

SUBCHAPTER B. APPOINTMENT AND ADMINISTRATION

Sec. 26A.051. APPOINTMENT OF OMBUDSMAN. (a) The State Board of Education shall appoint an ombudsman for parents of children enrolled in public school to serve at the will of the board.

(b) To be eligible for appointment as ombudsman, a person:

(1) must be:

(A) a resident of this state; and

(B) a parent of a child enrolled in a school district or open-enrollment charter school; and

(2) may not be a current or former elected official.

(c) The ombudsman is administratively attached to the agency.

1       (d) From money appropriated for the purpose, the ombudsman  
2 may employ staff to assist the ombudsman in performing the  
3 ombudsman's duties under this chapter.

4       Sec. 26A.052. COMMUNICATION AND CONFIDENTIALITY. (a) A  
5 person may communicate with the ombudsman regarding a complaint by  
6 telephone, mail, e-mail, or any other means the ombudsman  
7 determines to be feasible, secure, and generally accessible.

8       (b) Information received by the ombudsman regarding a  
9 complaint is confidential and not subject to disclosure under  
10 Chapter 552, Government Code. The ombudsman shall maintain the  
11 information in a manner that preserves the information's  
12 confidentiality.

13       (c) The disclosure of confidential information to the  
14 ombudsman under this chapter does not constitute a waiver of  
15 confidentiality. Any information disclosed to the ombudsman under  
16 this chapter remains confidential and privileged following  
17 disclosure.

18       (d) This section does not prohibit the ombudsman from  
19 communicating with the agency, the State Board of Education, or a  
20 school district or open-enrollment charter school regarding  
21 confidential information disclosed to the ombudsman by the agency,  
22 board, district, or school.

23       Sec. 26A.053. PUBLIC OUTREACH. The ombudsman shall  
24 collaborate with the agency to develop and implement an annual  
25 outreach plan to promote awareness of the ombudsman among parents  
26 of children enrolled in a school district or open-enrollment  
27 charter school.

SUBCHAPTER C. DUTIES AND POWERS

Sec. 26A.101. DUTIES AND POWERS OF OMBUDSMAN. (a) The ombudsman serves as a neutral party in assisting parents of children enrolled in a school district or open-enrollment charter school with complaints regarding issues involving the agency, the State Board of Education, or a school district or open-enrollment charter school.

(b) The ombudsman shall develop and implement statewide procedures to:

(1) receive complaints from parents of children enrolled in a school district or open-enrollment charter school regarding unethical conduct or a violation of state or federal law relating to public education or agency procedure or policy by:

(A) the agency, the State Board of Education, or a school district or open-enrollment charter school; or

(B) an employee of the agency, the State Board of Education, or a school district or open-enrollment charter school;

(2) review complaints filed with the ombudsman and take appropriate action, including:

(A) conducting an investigation; and

(B) referring to the agency for resolution any trends or systemic issues identified in complaints;

(3) provide any necessary assistance to parents of children enrolled in a school district or open-enrollment charter school in making complaints or reporting allegations of behavior described by Subdivision (1); and

(4) ensure a parent of a child enrolled in a school

1 district or open-enrollment charter school who filed a complaint  
2 receives a report on the results of any investigations conducted or  
3 final determinations made regarding the complaint.

4 Sec. 26A.102. INVESTIGATION OF UNREPORTED VIOLATIONS. If,  
5 during the investigation of a complaint, the ombudsman discovers  
6 unreported unethical conduct or violations described by Section  
7 26A.101(b)(1), the ombudsman shall open a new investigation for  
8 each unreported occurrence of unethical conduct or violation.

9 Sec. 26A.103. RETALIATION PROHIBITED. (a) The agency, a  
10 school district, or an open-enrollment charter school may not  
11 retaliate against:

12 (1) a parent of a child enrolled in a school district  
13 or open-enrollment charter school who in good faith makes a  
14 complaint to the ombudsman; or

15 (2) any person, including an employee of the agency,  
16 State Board of Education, district, or school, who in good faith  
17 cooperates with the ombudsman in an investigation.

18 (b) The ombudsman shall collaborate with the agency to  
19 establish consequences for a retaliatory action taken in violation  
20 of this section.

21 Sec. 26A.104. ACCESS TO INFORMATION. The agency shall  
22 provide the ombudsman access to the agency's records relating to a  
23 complaint filed with the ombudsman under this chapter.

24 Sec. 26A.105. REPORTS. (a) The ombudsman shall issue and  
25 file with the agency a report that contains the ombudsman's final  
26 determinations regarding a complaint and any recommended  
27 corrective actions to be taken as a result of the complaint.

1        (b) Notwithstanding Section 26A.052, the ombudsman may make  
2 a report relating to an investigation of a complaint public after  
3 the complaint is resolved. A report made public under this  
4 subsection may not include information that identifies any person  
5 involved in the complaint, including the complainant, a child's  
6 parent, or an employee of the agency, the State Board of Education,  
7 a school district, or an open-enrollment charter school.

8        (c) Not later than December 1 of each year, the ombudsman  
9 shall prepare and submit to the agency and the State Board of  
10 Education a report on the ombudsman's work during the preceding  
11 year. The report must include:

12                (1) a description of the ombudsman's work;

13                (2) any change made by the agency in response to a  
14 substantiated complaint;

15                (3) a description of any trends in the nature of  
16 complaints received by the ombudsman, any recommendations related  
17 to addressing those trends, and an evaluation of the feasibility of  
18 the ombudsman's recommendations;

19                (4) a glossary of terms used in the report;

20                (5) a description of the methods used to promote  
21 awareness of the ombudsman under Section 26A.053 and the  
22 ombudsman's outreach plan for the next year; and

23                (6) any public feedback received by the ombudsman  
24 relating to the ombudsman's previous reports under this subsection.

25        (d) On receipt of the report required under Subsection (c),  
26 the agency shall make the report publicly available on the agency's  
27 Internet website.

1           SECTION 2. As soon as practicable after the effective date  
2 of this Act, the State Board of Education shall appoint an ombudsman  
3 under Chapter 26A, Education Code, as added by this Act.

4           SECTION 3. This Act takes effect on the 91st day after the  
5 last day of the legislative session.