

BILL ANALYSIS

C.S.H.B. 3315
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Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law requires the board of trustees of a public school district to adopt a grievance procedure to address each complaint the board receives concerning a violation of a parental right guaranteed under law. Parents have expressed a need for a fairer process so that their complaints to schools are addressed. Many independent school districts use model policies provided by advocacy organizations that prioritize protecting the district. While these policies do not necessarily violate parental rights, they are not written to ensure parent grievances are considered in a timely manner. C.S.H.B. 3315 seeks to address this issue by establishing requirements for the content of a district's grievance procedure, requiring the grievance procedure to be posted online and provided to parents, and requiring the Texas Education Agency to adopt a model grievance procedure for use by districts.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3315 amends the Education Code to require a grievance procedure adopted by the board of trustees of a public school district for purposes of addressing complaints concerning a violation of parental rights to provide for the following:

- a parent's complaint to be filed in writing with the principal of the campus at which the parent's student is enrolled;
- a parent's complaint to be considered timely regardless of when the conduct giving rise to the complaint occurred if the complaint alleges a violation of law or board policy that is continuous or ongoing;
- if the principal does not grant the requested relief, an appeal on written request to the district superintendent or the superintendent's designee that includes a review of all documents considered by the principal;
- if the superintendent or the superintendent's designee does not grant the requested relief, an appeal on written request to the district's board that:
 - includes a review of all documents considered by the principal and the superintendent or designee;
 - unless otherwise agreed to by the parties, must be finally decided not later than 120 calendar days after the date on which the request for the appeal was submitted; and

- if a final decision is not rendered before that deadline, requires the board to immediately render a final decision on the complaint in favor of the parent; and
- if the district's board does not grant the requested relief, notice to the parent regarding the parent's right to file an appeal with the commissioner of education.

The bill requires the grievance procedure to be posted in a prominent location on the district's website, along with instructions on filing a complaint, and to be provided to the parent of each student enrolled in the district at the beginning of each school year and on request. The bill requires the Texas Education Agency to adopt a model grievance procedure for use by districts and to post on its website a copy of the model grievance policy and general guidelines regarding how a parent may file a complaint with a district or appeal a district's decision to the commissioner. The bill's provisions apply beginning with the 2023-2024 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3315 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute omits the provision of the introduced that prohibited the grievance procedure from requiring a parent to file a complaint within a specified period of time, but the substitute includes instead a requirement for the grievance procedure to provide for a parent's complaint to be considered timely regardless of when the conduct giving rise to the complaint occurred if the complaint alleges a violation of law or board policy that is continuous or ongoing.

Both the introduced and the substitute require the grievance procedure to provide for an appeal to the district's board if the superintendent or the superintendent's designee does not grant the requested relief in an appeal of the principal's decision. However, the substitute includes the following requirements regarding the appeal to the board that did not appear in the introduced:

- unless otherwise agreed to by the parties, the appeal must be finally decided not later than 120 calendar days after the date on which the request for the appeal was submitted; and
- if a final decision is not rendered before that deadline, the board must immediately render a final decision on the complaint in favor of the parent.