88R19514 BDP-F

By:  Bell of Kaufman, Buckley, H.B. No. 890

     Harris of Anderson, Hefner, Dutton,

     et al.

A BILL TO BE ENTITLED

AN ACT

relating to a process adopted by a school district regarding complaints and hearings on complaints.

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

SECTION 1.  Section 11.1511(b), Education Code, is amended to read as follows:

(b)  The board shall:

(1)  seek to establish working relationships with other public entities to make effective use of community resources and to serve the needs of public school students in the community;

(2)  adopt a vision statement and comprehensive goals for the district and the superintendent and monitor progress toward those goals;

(3)  establish performance goals for the district concerning:

(A)  the academic and fiscal performance indicators under Subchapters C, D, and J, Chapter 39; and

(B)  any performance indicators adopted by the district;

(4)  ensure that the superintendent:

(A)  is accountable for achieving performance results;

(B)  recognizes performance accomplishments; and

(C)  takes action as necessary to meet performance goals;

(5)  adopt a policy to establish a district- and campus-level planning and decision-making process as required under Section 11.251;

(6)  publish an annual educational performance report as required under Section 39.306;

(7)  adopt an annual budget for the district as required under Section 44.004;

(8)  adopt a tax rate each fiscal year as required under Section 26.05, Tax Code;

(9)  monitor district finances to ensure that the superintendent is properly maintaining the district's financial procedures and records;

(10)  ensure that district fiscal accounts are audited annually as required under Section 44.008;

(11)  publish an end-of-year financial report for distribution to the community;

(12)  conduct elections as required by law;

(13)  by rule, adopt a process through which district personnel, students or the parents or guardians of students, and members of the public may file a complaint and obtain a hearing from the district administrators and the board regarding the [~~a~~] complaint that must:

(A)  allow a complaint to be filed at any time regardless of when the conduct initially giving rise to the complaint occurred if the complaint alleges a violation of law or board policy that is continuous or ongoing;

(B)  unless otherwise provided by law, include:

(i)  an initial administrative hearing; and

(ii)  an opportunity to appeal the administrative decision following the initial hearing;

(C)  unless otherwise agreed to by the parties, provide for a final decision on the complaint not later than 120 calendar days after the date on which the complaint was filed; and

(D)  if a final decision on a complaint is not rendered before the 120th day after the date on which the complaint was filed, require the district to immediately render a final decision on the complaint in favor of the complainant;

(14)  make decisions relating to terminating the employment of district employees employed under a contract to which Chapter 21 applies, including terminating or not renewing an employment contract to which that chapter applies; and

(15)  carry out other powers and duties as provided by this code or other law.

SECTION 2.  The board of trustees of a school district shall adopt a process for filing a complaint and obtaining a hearing in accordance with Section 11.1511(b), Education Code, as amended by this Act, as soon as practicable after the effective date of this Act.

SECTION 3.  This Act takes effect September 1, 2023.