

By: Hughes

S.B. No. 1880

A BILL TO BE ENTITLED

AN ACT

relating to the grievance procedure in public schools.

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

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

(a) Except as provided by Subsection (e) and as an alternative to an appeal under Subchapter I, Chapter 11, a person may appeal in writing to the commissioner if the person is aggrieved by:

(1) the school laws of this state; or

(2) actions or decisions of any school district board of trustees that violate:

(A) the school laws of this state; or

(B) a provision of a written employment contract between the school district and a school district employee, if a violation causes or would cause monetary harm to the employee.

(g) A person who appeals under this section may not appeal under Subchapter I, Chapter 11.

SECTION 2. Subchapter D, Chapter 11, Education Code, is amended by adding Section 11.1517 to read as follows:

Sec. 11.1517. STANDARD GRIEVANCE PROCEDURE. (a) The grievance procedure adopted under Section 11.1511(b)(13) must:

(1) provide for:

1 (A) a complaint to be filed in writing with the:

2 (i) principal of the campus at which a
3 student is enrolled or a school employee works;

4 (ii) principal of the campus closest to the
5 place of employment of a district employee who does not work at a
6 school; and

7 (iii) principal of the campus closest to the
8 home address of a member of the public;

9 (B) a determination to be issued by the principal
10 on the complaint not later than the 21st day after the date the
11 complaint is filed;

12 (C) if the principal does not grant the requested
13 relief, an appeal on written request to the school district
14 superintendent or the superintendent's designee that includes a
15 review of all documents considered by the principal;

16 (D) a determination to be issued by the
17 superintendent or the superintendent's designee not later than the
18 21st day after the date the appeal is filed;

19 (E) if the superintendent or the superintendent's
20 designee does not grant the requested relief, an appeal on written
21 request to the board of trustees of the district that includes a
22 review of all documents considered by the principal and the
23 superintendent or the superintendent's designee;

24 (F) a determination to be adopted by the board of
25 trustees of the district not later than the 60th day after the date
26 the appeal is filed; and

27 (G) if the board of trustees of the district does

1 not grant the requested relief, notice to the parent regarding the
2 parent's right to file an appeal with the commissioner under
3 Section 7.057 or with the district's parent review committee under
4 Subchapter I; and

5 (2) be:

6 (A) posted in a prominent location on the
7 district's Internet website, along with instructions on how a
8 complaint may be filed; and

9 (B) provided to each district employee and to the
10 parent of each student enrolled in the district at the beginning of
11 each school year and on request.

12 (b) The agency shall:

13 (1) adopt a model grievance procedure for use by school
14 districts under this section; and

15 (2) post on the agency's Internet website a copy of the
16 model grievance policy and general guidelines regarding how a
17 complaint may be filed with a school district under this section or
18 appeal a district's decision under Section 7.057 or Subchapter I.

19 (c) A grievance procedure adopted under this section may not
20 require a complainant to file a complaint within a specified period
21 of time.

22 (d) The board of trustees of a school district is not
23 required to address a complaint that the board receives concerning
24 a student's participation in an extracurricular activity that does
25 not involve a violation of a right guaranteed by this chapter. This
26 section does not affect a claim brought by a parent under the
27 Individuals with Disabilities Education Act (20 U.S.C. Section 1400

1 et seq.) or a successor federal statute addressing special
2 education services for a child with a disability.

3 SECTION 3. Chapter 11, Education Code, is amended by adding
4 Subchapter I to read as follows:

5 SUBCHAPTER I. PARENT REVIEW COMMITTEE

6 Sec. 11.401. DEFINITIONS. In this subchapter:

7 (1) "Board" means the board of trustees of an
8 independent school district.

9 (2) "Parent review committee" means a committee
10 established under this subchapter.

11 (3) "Record" includes, at a minimum, an audible
12 electronic recording or written transcript of all oral testimony or
13 argument.

14 (4) "School laws of this state" means Title 1 and this
15 title and rules adopted under that or this title.

16 Sec. 11.402. ESTABLISHMENT. (a) Each trustee of the board
17 shall appoint one member to a parent review committee. Except as
18 otherwise provided by Section 11.405, a member of the committee
19 continues to serve on the committee during the term of office of
20 the board trustee who appointed the member.

21 (b) The committee exercises jurisdiction only within the
22 school district.

23 Sec. 11.403. COMPOSITION. (a) A member of a parent review
24 committee must be a parent or guardian of a school district
25 student.

26 (b) The number of members of the committee is equal to the
27 number of members of the board.

1 Sec. 11.404. OFFICERS. A parent review committee shall
2 elect from among its members by a majority vote the chair of the
3 committee. The chair serves a term of one year.

4 Sec. 11.405. GROUNDS FOR REMOVAL OF COMMITTEE MEMBER. (a)
5 A member of the parent review committee may be removed if the
6 member:

7 (1) commits malfeasance of office;
8 (2) cannot, because of illness or disability,
9 discharge the member's duties for a substantial part of the member's
10 term;

11 (3) is absent from more than half of the regularly
12 scheduled committee meetings that the member is eligible to
13 attend during a calendar year, unless the absence is excused
14 by majority vote of the committee;

15 (4) does not have at the time of appointment the
16 qualifications required by Section 11.403(a); or

17 (5) does not maintain during service on the committee
18 the qualifications required by Section 11.403(a).

19 (b) A member of a parent review committee may be removed by a
20 majority vote of the school district board of trustees for a ground
21 provided by this section.

22 (c) The validity of an action of a parent review committee is
23 not affected by the fact that it was taken when a ground for removal
24 of a committee member existed.

25 Sec. 11.406. COMPENSATION AND REIMBURSEMENT. A parent
26 review committee is not entitled to compensation from the school
27 district but is entitled to reimbursement with district funds for

necessary expenses incurred in performing duties as a committee member.

Sec. 11.407. PARENT REVIEW COMMITTEE APPEAL. (a) Except as provided by Subsection (f) and as an alternative to an appeal under Section 7.057, a person may appeal in writing to a parent review committee if the person is aggrieved by:

(1) the school laws of this state; or

(2) actions or decisions of the board that violate:

(A) the school laws of this state; or

(B) a provision of a written employment contract between the school district and a school district employee, if a violation causes or would cause monetary harm to the employee.

(b) A person is not required to appeal to the committee before pursuing a remedy under a law outside of Title 1 or this title to which Title 1 or this title makes reference or with which Title 1 or this title requires compliance.

(c) Except as provided by Subsection (d), the committee after due notice to the parties interested shall, not later than the 90th day after the date an appeal under Subsection (a) is filed, hold a hearing and issue a decision without cost to the parties involved. In conducting a hearing under this subsection, the committee has the same authority relating to discovery and conduct of a hearing as a hearing examiner has under Subchapter F, Chapter 21. This section does not deprive any party of any legal remedy.

(d) In an appeal against a school district, the committee shall, not later than the 120th day after the date the appeal is filed, issue a decision based on a review of the record developed at

1 the district level under a substantial evidence standard of review.
2 The parties to the appeal may agree in writing to extend, by not
3 more than 60 days, the date by which the committee must issue a
4 decision under this subsection. A school district's disclosure of
5 the record to the committee under this subsection is not an offense
6 under Section 551.146, Government Code.

7 (e) A decision of the committee:

8 (1) must be adopted by majority vote; and

9 (2) is binding on the school district.

10 (f) A person aggrieved by a committee decision may appeal to
11 a district court with jurisdiction over the county in which the
12 school district is located. An appeal must be made by serving the
13 committee's chair with citation issued and served in the manner
14 provided by law for civil suits. The petition must state the action
15 or decision from which the appeal is taken. At trial, the court
16 shall determine all issues of law and fact, except as provided by
17 Subsection (g).

18 (g) An appeal to the committee is not a contested case under
19 Chapter 2001, Government Code, if the issues presented relate to a
20 student's eligibility to participate in extracurricular
21 activities, including issues related to the student's grades, the
22 school district's grading policy as applied to the student's
23 eligibility, or the student's eligibility based on conduct
24 described by Section 33.081(e-1). The decision of the committee in
25 a matter governed by this subsection may not be appealed except on
26 the grounds that the decision is arbitrary or capricious. Evidence
27 may not be introduced on appeal other than the record of the

evidence before the commissioner.

(h) This subchapter does not apply to:

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

or

(2) a student disciplinary action under Chapter 37.

(i) A person who appeals under this section may not appeal under Section 7.057.

SECTION 4. Section 12.104(b), Education Code, as amended by Chapters 542 (S.B. 168), 887 (S.B. 1697), 915 (H.B. 3607), 974 (S.B. 2081), and 1046 (S.B. 1365), Acts of the 87th Legislature, Regular Session, 2021, is reenacted and amended to read as follows:

(b) An open-enrollment charter school is subject to:

(1) a provision of this title establishing a criminal offense;

(2) the provisions in Chapter 554, Government Code; and

(3) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C, Chapter 22;

(C) reading instruments and accelerated reading instruction programs under Section 28.006;

(D) accelerated instruction under Section 28.0211;

- 1 (E) high school graduation requirements under
2 Section 28.025;
- 3 (F) special education programs under Subchapter
4 A, Chapter 29;
- 5 (G) bilingual education under Subchapter B,
6 Chapter 29;
- 7 (H) prekindergarten programs under Subchapter E
8 or E-1, Chapter 29, except class size limits for prekindergarten
9 classes imposed under Section 25.112, which do not apply;
- 10 (I) extracurricular activities under Section
11 33.081;
- 12 (J) discipline management practices or behavior
13 management techniques under Section 37.0021;
- 14 (K) health and safety under Chapter 38;
- 15 (L) the provisions of Subchapter A, Chapter 39;
- 16 (M) public school accountability and special
17 investigations under Subchapters A, B, C, D, F, G, and J, Chapter
18 39, and Chapter 39A;
- 19 (N) the requirement under Section 21.006 to
20 report an educator's misconduct;
- 21 (O) intensive programs of instruction under
22 Section 28.0213;
- 23 (P) the right of a school employee to report a
24 crime, as provided by Section 37.148;
- 25 (Q) bullying prevention policies and procedures
26 under Section 37.0832;
- 27 (R) the right of a school under Section 37.0052 to

place a student who has engaged in certain bullying behavior in a disciplinary alternative education program or to expel the student;

(S) the right under Section 37.0151 to report to local law enforcement certain conduct constituting assault or harassment;

(T) a parent's right to information regarding the provision of assistance for learning difficulties to the parent's child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);

(U) establishment of residency under Section 25.001;

(V) school safety requirements under Sections 37.108, 37.1081, 37.1082, 37.109, 37.113, 37.114, 37.1141, 37.115, 37.207, and 37.2071;

(W) the early childhood literacy and mathematics proficiency plans under Section 11.185;

(X) the college, career, and military readiness plans under Section 11.186; ~~and~~

(Y) ~~(X)~~ parental options to retain a student under Section 28.02124*i*;

(Z) the standard grievance procedure under Section 11.1517; and

(AA) parent review committees under Subchapter I, Chapter 11.

SECTION 5. Section 28.004(i-1), Education Code, is amended to read as follows:

(i-1) A parent may use the grievance procedure adopted under Section 11.1517 ~~[26.011]~~ concerning a complaint of a violation of

1 this section.

2 SECTION 6. Section 28.017, Education Code, as added by
3 Chapter 762 (S.B. 2039), Acts of the 85th Legislature, Regular
4 Session, 2017, is reenacted and amended to read as follows:

5 Sec. 28.017. INSTRUCTION ON PREVENTION OF SEXUAL ABUSE AND
6 SEX TRAFFICKING. (a) The commissioner, in cooperation with the
7 human trafficking prevention task force created under Section
8 402.035, Government Code, and any other persons the commissioner
9 considers appropriate, shall develop one or more sexual abuse and
10 sex trafficking instructional modules that a school district may
11 use in the district's health curriculum. The modules may include:

12 (1) information on the different forms of sexual abuse
13 and assault, sex trafficking, and risk factors for sex trafficking;

14 (2) the procedures for reporting sexual abuse and sex
15 trafficking or suspected sexual abuse or sex trafficking;

16 (3) strategies for sexual abuse and assault prevention
17 and overcoming peer pressure;

18 (4) information on establishing healthy boundaries for
19 relationships, recognizing potentially abusive or harmful
20 relationships, and avoiding high-risk activities;

21 (5) the recruiting tactics of sex traffickers and peer
22 recruiters, including recruitment through the Internet;

23 (6) the legal aspects of sexual abuse and sex
24 trafficking under state and federal law; and

25 (7) the influence of culture and mass media on
26 perceptions of sexual abuse and sex trafficking, including
27 stereotypes and myths about victims and abusers, victim blaming,

1 and the role of language.

2 (b) The module or modules developed under Subsection (a)
3 must emphasize compassion for victims of sexual abuse or sex
4 trafficking and the creation of a positive reentry experience for
5 survivors of sexual abuse or sex trafficking into schools.

6 (c) Before the beginning of each school year, a school
7 district that elects to use a module developed under Subsection (a)
8 in the district's health curriculum shall provide written notice to
9 the parent of each student enrolled in the district that includes
10 the following:

11 (1) a statement that the district will provide
12 instruction relating to sexual abuse and sex trafficking awareness
13 to students enrolled in the district;

14 (2) a description of the material that will be used in
15 providing instruction to students; and

16 (3) a statement that the parent has the right to review
17 the material and remove the parent's student from the instruction.

18 (d) If a school district does not comply with the
19 requirements of Subsection (c), a parent of a student enrolled in
20 the district may file a complaint in accordance with the district's
21 grievance procedure developed under Section 11.1517 [~~26.011~~].

22 SECTION 7. Section 28.0211(f-3), Education Code, is amended
23 to read as follows:

24 (f-3) The board of trustees of each school district shall
25 adopt a policy consistent with the grievance procedure adopted
26 under Section 11.1517 [~~26.011~~] to allow a parent to contest the
27 content or implementation of an educational plan developed under

Subsection (f).

SECTION 8. Section 26.011, Education Code, is repealed.

SECTION 9. (a) Not later than January 1, 2024, each school district shall:

(1) provide for the establishment and operation of a parent review committee, as required by Section 11.402, Education Code, as added by this Act; and

(2) appoint the members of the committee, as required by Section 11.402, Education Code, as added by this Act.

(b) A committee established under Subchapter I, Chapter 11, Education Code, as added by this Act, may not take action until a majority of the members of the committee have taken office.

SECTION 10. Sections 1 and 3 of this Act apply only to an appeal brought on or after January 1, 2024. An appeal brought before that date is covered by the law in effect on the date the appeal was brought, and the former law is continued in effect for that purpose.

SECTION 11. Section 2 of this Act applies beginning with the 2023-2024 school year.

SECTION 12. As soon as practicable and not later than December 31, 2023, the commissioner of education shall adopt rules regarding the grievance procedure in the public schools of this state.

SECTION 13. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.