

BILL ANALYSIS

Senate Research Center
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S.B. 813
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Parents concerned with some aspect of school academics or administration may file a grievance with local school officials. If the parent is not satisfied with how their concern is addressed at the local level, the parent may appeal to the commissioner of education under Section 7.057 of the Education Code. Both levels of the grievance process—the local level and an appeal to the commissioner—can be subject to lengthy delays. Senator Hughes' S.B. 812 deals with the grievance process at the local level, and this bill, S.B. 813, provides an alternative to appealing a grievance to the commissioner.

Under Section 7.057, the commissioner may hear grievance appeals related to the "school laws of this state" or the "actions or decisions of any school district board of trustees that violate" school laws or employment contracts. The commissioner may take as long as 180, 240, or even 300 days to make a determination, however, depending on the type of complaint.

S.B. 813 would provide an alternative forum for hearing complaint appeals by establishing a grievance board in each education service center (ESC) region. The board would be appointed by the ESC executive director and would be comprised of five individuals from the region: one school administrator, two teachers, and two parents. Under the bill, parents could appeal to the commissioner as they do now or use a regional grievance board. The regional grievance board would allow complaints to be heard closer to home and result in more expeditious decisions—60 or 90 days in most cases instead of the much longer appeal process to the commissioner.

As proposed, S.B. 813 amends current law relating to the creation of grievance boards with concurrent jurisdiction over certain appeals involving the administration of public education.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 8, Education Code, by adding Subchapter F, as follows:

SUBCHAPTER F. GRIEVANCE BOARDS

Sec. 8.201. DEFINITIONS. Defines "grievance board."

Sec. 8.202. ESTABLISHMENT. Requires the executive director of each regional education service center (center) to establish and operate a grievance board. Requires a grievance board to exercise jurisdiction only within the regional boundaries of the center, as established by the commissioner of education (commissioner) under Section 8.001(c) (relating to authorizing the commissioner to decide any matter concerning the operation or administration of the centers).

Sec. 8.203. COMPOSITION. Provides that a grievance board is composed of five members appointed by the executive director of each center as follows:

- (1) one member who is a school administrator employed by a school district served by the center;
- (2) two members who are classroom teachers employed by a school district served by the center; and
- (3) two members who are parents of students attending public schools located in a school district served by the center.

Sec. 8.204. DUTIES AND POWERS. (a) Authorizes a person to appeal in writing to a grievance board established under this subchapter a grievance over which the board has jurisdiction in the same manner in which an appeal is made to the commissioner under Section 7.057 (Appeals), as provided by Subsection (b).

- (b) Provides that a grievance board has concurrent jurisdiction with the commissioner regarding a grievance that is authorized to be appealed under Section 7.057 if the person aggrieved resides within the regional boundaries of the center, the grievance involves certain components, and the person aggrieved appeals to the grievance board not later than the 60th day after the person exhausts the person's options under the grievance procedure established by the board of trustees of a school district under Section 26.011 (Complaints).
- (c) Requires a grievance board, except as provided by Subsection (d) and subject to Subsection (e), to hold a hearing and issue a decision without cost to the parties involved not later than the 60th day after the date an appeal is filed with the grievance board.
- (d) Requires a grievance board, subject to Subsection (e), in an appeal involving the actions or decisions of the board of trustees of a school district to, not later than the 90th day after the date the appeal is filed, hold a hearing and issue a decision based on a review of the record developed at the district level under a substantial evidence standard of review.
- (e) Authorizes the parties to an appeal to a grievance board to agree in writing to extend, by not more than 30 days, the period for a hearing and decision under Subsection (c) or (d), as applicable.
- (f) Provides that a grievance board is authorized to issue a decision only by the majority vote of its members.
- (g) Provides that a person is not required to appeal to a grievance board before appealing to the commissioner under Section 7.057 or pursuing a remedy under certain laws.
- (h) Provides that a person is authorized to file an appeal either with a grievance board established under this subchapter or with the commissioner under Section 7.057, but is prohibited from filing an appeal with respect to the same grievance with both a grievance board and the commissioner.

Sec. 8.205. HEARINGS. Provides that, in conducting a hearing under this subchapter, each member of a grievance board has the same authority relating to discovery and conduct of a hearing as a hearing examiner has under Subchapter F (Hearings Before Hearing Examiners), Chapter 21 (Educators).

Sec. 8.206. OFFICERS. Requires a grievance board to elect from among its members by a majority vote the chair of the board. Provides that the chair serves a term of one year.

Sec. 8.207. TERM OF OFFICE. Provides that the board members serve staggered terms of two years, with the terms of two members expiring on January 1 of each even-

numbered year and the terms of three members expiring on January 1 of each odd-numbered year.

Sec. 8.208. GROUNDS FOR REMOVAL OF BOARD MEMBER. (a) Provides that it is a ground for removal from a grievance board that a member:

- (1) commits malfeasance of office;
- (2) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term;
- (3) is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year, unless the absence is excused by majority vote of the board;
- (4) does not have at the time of appointment the qualifications required by Section 8.203; or
- (5) does not maintain during service on the board the qualifications required by Section 8.203.

(b) Provides that the validity of an action of a grievance board is not affected by the fact that it was taken when a ground for removal of a board member existed.

Sec. 8.209. COMPENSATION AND REIMBURSEMENT. Provides that a member of a grievance board is not entitled to compensation from the center but is entitled to reimbursement with center funds for necessary expenses incurred in performing duties as a board member.

Sec. 8.210. JUDICIAL REVIEW. (a) Authorizes a person aggrieved by a board's decision to appeal to a district court with jurisdiction over the county in which the center that established the grievance board is located.

- (b) Authorizes the appeal, if the aggrieved party is a school district, to be filed in a district court with jurisdiction over the county in which the school district is located.
- (c) Requires that an appeal under this section be made by serving the board's chair with citation issued and served in the manner provided by law for civil suits. Requires that the petition state the action or decision from which the appeal is taken. Requires the court, at trial, to determine all issues of law and fact, except as provided by Section 33.081(g) (relating to certain provisions regarding an appeal to the commissioner).

SECTION 2. (a) Requires the executive director of each center, not later than January 1, 2026, to:

- (1) provide for the establishment and operation of a grievance board, as required by Section 8.202, Education Code, as added by this Act; and
- (2) appoint the members of the center's grievance board, as required by Section 8.203, Education Code, as added by this Act.

(d) Prohibits a grievance board established under Subchapter F, Chapter 8, Education Code, as added by this Act, from taking action until a majority of the members of the board have taken office.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2025.