

BILL ANALYSIS

Senate Research Center

S.B. 1565
By: Creighton
Education K-16
2/24/2025
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

- DEI Duties Defined & Prohibited: DEI duties include promoting race or gender-based hiring preferences, compelling DEI statements, or embedding DEI-centered training.
- School districts must adopt discipline policies (including termination) for any employee assigning or performing prohibited DEI duties.
- Teaching of state and federal holidays or commemorative months is still allowed under the TEKS.
- Applies to Charter Schools: Charter schools must comply with all DEI prohibitions, just as ISDs, ensuring uniform application of these restrictions across all public schools.
- Stronger Enforcement of the CRT Ban: Districts must adopt policies outlining disciplinary actions (including termination) for employees who violate the state's CRT ban.
- Annual compliance certification: District superintendents must certify that they are following both DEI and CRT prohibitions in a public meeting.
- Parental Grievances & Hearings: Formal grievance procedure ensures parents can appeal decisions up to the school board and then, if necessary, request a hearing before an independent hearing examiner.
- Grievances must be resolved within strict timelines, and decisions are binding.
- If a district repeatedly loses these grievance appeals (five or more in one school year), the superintendent must testify before the State Board of Education.

As proposed, S.B. 1565 amends current law relating to a school district's grievance procedure and to certain public school requirements and prohibitions regarding instruction and diversity, equity, and inclusion duties and the loss of funding for public schools that fail to comply with those provisions.

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 1, Education Code, by adding Section 1.007, as follows:

Sec. 1.007. COMPLIANCE WITH MANDATORY POLICY. (a) Defines "public elementary or secondary school."

(b) Requires a public elementary or secondary school, the school's governing body, and the school's employees to implement and comply with each policy the school is required to adopt under the Education Code or other law.

SECTION 2. Amends Subchapter A, Chapter 11, Education Code, by adding Section 11.005, as follows:

Sec. 11.005. PROHIBITION ON DIVERSITY, EQUITY, AND INCLUSION DUTIES. (a) Defines "diversity, equity, and inclusion duties."

- (b) Provides that, except required by state or federal law, a school district is prohibited from assigning diversity, equity, and inclusion duties to any person and is required to prohibit a district employee, contractor, or volunteer from engaging in diversity, equity, and inclusion duties.
- (c) Requires a school district to adopt a policy and procedure for the appropriate discipline, including termination, of a district employee or contractor who engages in or assigns to another person diversity, equity, and inclusion duties.
- (d) Prohibits anything in this section from being construed to limit or prohibit a school district from acknowledging or teaching the significance of state and federal holidays or commemorative months and how those holidays or months fit into the themes of history and the stories of this state and the United States of America in accordance with the essential knowledge and skills adopted under Subchapter A (Essential Knowledge and Skills; Curriculum), Chapter 28 (Courses of Study; Advancement).

SECTION 3. Amends Section 12.104(b), Education Code, to provide that an open-enrollment charter school is subject to diversity, equity, and inclusion duties under Section 11.005, and to make nonsubstantive changes.

SECTION 4. Amends Section 26.011, Education Code, as follows:

Sec. 26.011. New heading: LOCAL GRIEVANCE PROCEDURE. (a) Requires the board of trustees of each school district to adopt a grievance procedure under which the board is required to:

- (1) address each grievance, rather than complaint, that the board receives concerning a violation of the prohibition under Section 11.005 or of a right guaranteed by Chapter 26 (Parental Rights and Responsibilities):
 - (A) if the grievance is filed not later than six school weeks after the date on which the parent received notice of an incident giving rise to the grievance; or
 - (B) regardless of whether the grievance was filed during the period prescribed by Paragraph (A) if the grievance was informally brought to the attention of school district personnel during that period;
 - (2) allow a parent at any time before a final decision by the board to provide additional evidence regarding the parent's grievance; and
 - (3) allow a parent to file more than one grievance at the same time.
- (b) Makes a conforming change to this subsection.
- (c) Requires the board of trustees of a school district to ensure a grievance procedure adopted under Subsection (a):
- (1) authorizes a parent to file a grievance with the principal of the district campus the parent's child attends or the person designated by the district to receive grievances for that campus;
 - (2) requires that a principal or the person designated by the district to receive grievances for a campus acknowledge receipt of a grievance under Subdivision (1) not later than two school business days after receipt of the grievance and, not later than the 14th school business day after receipt of a grievance described by Subdivision (1), provide to the parent who

submitted the grievance written documentation of the decision regarding the issue that gave rise to the grievance, including certain information;

(3) requires that, if a parent appeals a decision under Subdivision (2) not later than the 14th school business day after receiving notice of the decision, the superintendent or the superintendent's designee provide to the parent not later than the 14th school business day after receipt of the appeal written documentation of the decision regarding the issue that gave rise to the grievance, including certain information.

(4) requires that, if a parent appeals a decision under Subdivision (3) not later than the 14th school business day after receiving notice of the decision, the board hear the grievance in a closed session at the board's next regular meeting that occurs on or after the 14th school business day after the date the board receives notice of the appeal; and

(5) requires that, not later than the 10th school business day after the date of a board meeting described by Subdivision (4), the board provide to the parent written documentation of the board's decision regarding the issue that gave rise to the grievance, including notice that the parent is authorized to appeal to the commissioner of education (commissioner) in writing under Section 7.057 (Appeals), if applicable.

(d) Authorizes the parties to mutually agree to adjust the timeline for the procedure under this section.

(e) Authorizes the district, notwithstanding Subsection (d), if a grievance submitted under this section involves an employee who is on documented leave that is scheduled to begin or has begun before the grievance is submitted, to alter the timeline for the procedure under this section to make a reasonable accommodation for the employee's leave. Requires the district to provide notice of the change to the parent who submitted the grievance.

SECTION 5. Amends Chapter 26, Education Code, by adding Sections 26.0111 and 26.0112, as follows:

Sec. 26.0111. GRIEVANCE HEARING BEFORE HEARING EXAMINER. (a) Provides that this section applies only to a grievance regarding a violation of Section 11.005, 28.0022 (Certain Instructional Requirements and Prohibitions), or 28.004 (Local School Health Advisory Council and Health Education Instruction) or Chapter 38 (Health and Safety) or the implementation of those provisions by a school district or Chapter 551 (Open Meetings), Government Code, involving school district personnel.

(b) Authorizes a parent, if the parent has exhausted the parent's options under the local grievance procedure established by the board of trustees of a school district under Section 26.011 regarding a grievance to which this section applies, and the grievance is not resolved to a parent's satisfaction, to file a written request with the commissioner for a hearing before a hearing examiner under this section not later than the 30th school business day after the date on which the board of trustees of the district resolved the parent's grievance under Section 26.011. Requires the parent to provide the district with a copy of the request and to provide the commissioner with a copy of the district's resolution of the grievance. Authorizes the parties to agree in writing to extend by not more than 10 school business days the deadline for requesting a hearing.

(c) Requires the commissioner to assign a hearing examiner to review the grievance in the manner provided by Section 21.254 (Assignment of Hearing Examiner). Provides that the hearing examiner has the powers described by Sections 21.255 (Hearings Before Hearing Examiner) and 21.256 (Conduct of

Hearing) and is required to conduct the hearing in the manner provided by those sections as if the parent were a teacher.

(d) Requires the hearing examiner, not later than the 60th business day after the date on which the commissioner receives a parent's written request for a hearing, to complete the hearing and make a written recommendation that includes proposed findings of fact and conclusions of law. Provides that the recommendation of the hearing examiner is final and prohibited from being appealed.

(e) Provides that Sections 21.257(c) (relating to authorizing parties to agree in writing to extend by not more than 45 days the right to a recommendation), (d) (relating to requiring a hearing examiner to send a copy of the recommendation to certain parties), and (e) (relating to prohibiting a hearing examiner who fails to timely issue a written recommendation or decision from being assigned by the commissioner to conduct additional hearings for a certain period) apply to a hearing under this section in the same manner as a hearing conducted under Subchapter F (Hearings Before Hearing Examiners), Chapter 21 (Educators).

(f) Requires that the costs of the hearing examiner, the court reporter, the original hearing transcript, and any hearing room costs, if the hearing room is not provided by the school district, be paid by the school district if the hearing examiner finds in favor of the parent.

(g) Provides that, notwithstanding Subsection (d), if a parent fails to appear at a hearing under this section, the hearing examiner is not required to complete the hearing and is prohibited from making a recommendation in favor of the parent.

Sec. 26.0112. TESTIMONY BEFORE STATE BOARD OF EDUCATION. Requires the superintendent of the school district, if the commissioner adopts the recommendation of a hearing examiner finding against a school district under Section 26.0111 in at least five grievances to which that section applies involving the district during a school year, to appear before the State Board of Education to testify regarding the hearing examiner's findings and the frequency of grievances against the district.

SECTION 6. Amends Section 28.0022, Education Code, by amending Subsection (f) and adding Subsection (h), as follows:

(f) Deletes existing text authorizing a school district or open-enrollment charter school to take appropriate action involving the employment of any teacher, administrator, or other employee based on the individual's compliance with state and federal laws and district policies.

(h) Requires a school district or open-enrollment charter school to adopt a policy and procedure for the appropriate discipline, including termination, of a district or school employee or contractor who engages in or assigns to another person an act prohibited by this section.

SECTION 7. Amends Subchapter A, Chapter 48, Education Code, by adding Section 48.013, as follows:

Sec. 48.013. CERTIFICATION OF COMPLIANCE WITH CERTAIN LAWS REQUIRED. (a) Requires the superintendent of a school district or open-enrollment charter school, not later than September 30 of each year, to certify to the Texas Education Agency (TEA) that the district or school is in compliance with this section and Sections 11.005 and 28.0022.

(b) Requires that the certification required by Subsection (a) meet certain requirements.

(c) Requires TEA to post each certification received under Subsection (a) on TEA's Internet website.

SECTION 8. Provides that Section 11.005, Education Code, as added by this Act, and Sections 12.104(b) and 28.0022, Education Code, as amended by this Act apply beginning with the 2025–2026 school year.

SECTION 9. (a) Effective date, except as provided by Subsection (b) of this section: upon passage or September 1, 2025.

(b) Effective date, Section 48.013, Education Code, as added by this Act: September 1, 2025.