

By: Hickland

H.B. No. 3222

A BILL TO BE ENTITLED

1 AN ACT
2 relating to school district policies, appeals to the commissioner
3 of education, and reporting on settlement agreements entered into
4 by a public school.

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

6 SECTION 1. Section 7.057, Education Code, is amended by
7 amending Subsections (a) and (e) and adding Subsections (c-1) and
8 (g) to read as follows:

9 (a) Except as provided by Subsection (e), a person may
10 appeal in writing to the commissioner if the person is aggrieved
11 by[+]

12 [~~(1) the school laws of this state; or~~
13 [~~(2)~~] actions or decisions of any school district
14 board of trustees that violate:

15 (1) [~~(A)~~ the school laws of this state; or
16 (2) [~~(B)~~ a provision of a written employment contract
17 between the school district and a school district employee, if a
18 violation causes or would cause monetary harm to the employee.

19 (c-1) In an appeal against a school district, the
20 commissioner may:

21 (1) if the record is insufficient for the commissioner
22 to resolve the appeal, remand the case to the district and order an
23 investigation and development of the record; and

24 (2) if the commissioner determines that an action or

1 decision of the district's board of trustees violated a law or
2 provision described by Subsection (a):

3 (A) reverse the case or remand the case to the
4 board of trustees for additional proceedings; and

5 (B) order the board of trustees to take
6 corrective action the commissioner determines appropriate to
7 remedy the violation.

8 (e) This section does not apply to:

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

10 [~~or~~]

11 (2) a case involving extracurricular activities; or

12 (3) a student disciplinary action under Chapter 37.

13 (g) The commissioner may adopt rules as necessary to
14 implement this section.

15 SECTION 2. Subchapter C, Chapter 7, Education Code, is
16 amended by adding Sections 7.0571 and 7.0572 to read as follows:

17 Sec. 7.0571. REMAND. (a) In an appeal against a school
18 district under Section 7.057, the commissioner may remand the case
19 to the district for rehearing under Chapter 26A if the commissioner
20 determines that the appeal would have likely succeeded on the
21 merits if not for:

22 (1) a fatal procedural error at the district level;

23 (2) failure to allege the correct statutory violation;

24 or

25 (3) failure to develop necessary evidence at the
26 district level.

27 (b) In remanding a case under Subsection (a), the

1 commissioner may:

2 (1) identify specific issues or law for the school
3 district to address; and

4 (2) alter the timelines provided under Chapter 26A.

5 (c) A case remanded under this section may be appealed again
6 under Section 7.057, and the timelines established by that section
7 apply to the appeal unless the commissioner provides for a shorter
8 timeline.

9 (d) The commissioner may adopt rules as necessary to
10 implement this section.

11 Sec. 7.0572. DISPUTE RESOLUTION FACILITATION. (a) The
12 commissioner shall develop a program for the training and review of
13 dispute resolution facilitators.

14 (b) The commissioner shall establish requirements for a
15 person to qualify as a dispute resolution facilitator under this
16 section.

17 (c) In an appeal against a school district under Section
18 7.057, the commissioner may refer to dispute resolution
19 facilitation under this section a case involving a grievance by a
20 parent of or person standing in parental relation to a student
21 enrolled in the district arising from the parent's or person's
22 status as a parent of or person standing in parental relation to the
23 student if:

24 (1) the grievance does not allege:

25 (A) conduct described by Section 7.057(a) or (e);

26 or

27 (B) conduct for which Title 1 or 2, other than

1 Section 11.151(b), makes a specific decision of the district's
2 board of trustees final and unappealable or not subject to review;
3 and

4 (2) the commissioner determines that the district's
5 conduct should be reviewed for substantial error that is apparent
6 from the record.

7 (d) The commissioner shall appoint a dispute resolution
8 facilitator to an appeal referred to dispute resolution
9 facilitation under Subsection (c). A dispute resolution
10 facilitator:

11 (1) shall:

12 (A) propose factual findings related to the
13 grievance;

14 (B) consider information provided by the person
15 who filed the grievance and the school district;

16 (C) facilitate a resolution between the person
17 who filed the grievance and the school district; and

18 (D) if no resolution is possible, render a
19 decision that includes findings of fact and conclusions of law; and

20 (2) may recommend a remand of the grievance or grant
21 relief or redress to the person who filed the grievance in the same
22 manner as the commissioner under Section 7.057.

23 (e) The commissioner may adopt or reject the final
24 determination of a dispute resolution facilitator. If the
25 commissioner rejects the determination, no decision on the matter
26 is issued. If the commissioner adopts the determination, the
27 determination is binding on the parties. A determination by the

1 commissioner under this subsection is final and may not be
2 appealed, including under Section 7.057(d).

3 (f) The school district against which the grievance was
4 filed shall pay the cost of the dispute resolution facilitator, the
5 hearing room, the certified court reporter at the hearing, and the
6 production of any original hearing transcript.

7 (g) Section 7.057(a-1) applies to conduct that may be
8 referred to dispute resolution facilitation under Subsection
9 (c)(1).

10 (h) The commissioner may adopt rules as necessary to
11 implement this section.

12 SECTION 3. Subchapter A, Chapter 11, Education Code, is
13 amended by adding Section 11.004 to read as follows:

14 Sec. 11.004. COMPLIANCE WITH MANDATORY POLICY. A school
15 district, the district's board of trustees, and the district's
16 employees shall implement and comply with each policy the district
17 is required to adopt under this code or other law.

18 SECTION 4. The heading to Section 11.1518, Education Code,
19 is amended to read as follows:

20 Sec. 11.1518. TRUSTEE INFORMATION [~~POSTED ON WEBSITE~~].

21 SECTION 5. Section 11.1518, Education Code, is amended by
22 amending Subsection (c) and adding Subsections (d) and (e) to read
23 as follows:

24 (c) Not later than the 30th day after a new person is sworn
25 in as a member [~~Each time there is a change in the membership~~] of a
26 school district's board of trustees, the district shall update the
27 information required under Subsection (a) and, as applicable:

1 (1) post the updated information on the district's
2 Internet website; or

3 (2) submit the updated information to the agency for
4 posting on the agency's Internet website in accordance with
5 Subsection (b).

6 (d) A school district shall annually submit to the agency
7 the information required under Subsection (a) for each member of
8 the district's board of trustees. The information must:

9 (1) identify the member designated as chair; and

10 (2) be updated as required by Subsection (c).

11 (e) The commissioner may adopt rules as necessary to
12 implement this section.

13 SECTION 6. Section 12A.004(a), Education Code, is amended
14 to read as follows:

15 (a) A local innovation plan may not provide for the
16 exemption of a district designated as a district of innovation from
17 the following provisions of this title:

18 (1) a state or federal requirement applicable to an
19 open-enrollment charter school operating under Subchapter D,
20 Chapter 12;

21 (2) Subchapters A, C, D, and E, Chapter 11, except that
22 a district may be exempt from Sections 11.1511(b)(5) and (14) and
23 Section 11.162;

24 (3) the grievance policy under Chapter 26A;

25 (4) state curriculum and graduation requirements
26 adopted under Chapter 28; and

27 (5) [~~4~~] academic and financial accountability and

1 sanctions under Chapters 39 and 39A.

2 SECTION 7. Section 26.011(a), Education Code, is amended to
3 read as follows:

4 (a) The board of trustees of each school district shall
5 adopt a grievance procedure that complies with Chapter 26A under
6 which the board shall address each complaint that the board
7 receives concerning violation of a right guaranteed by this
8 chapter.

9 SECTION 8. Subtitle E, Title 2, Education Code, is amended
10 by adding Chapter 26A to read as follows:

11 CHAPTER 26A. GRIEVANCE POLICY

12 Sec. 26A.001. GRIEVANCE POLICY. (a) The board of trustees
13 of a school district shall adopt a grievance policy to address
14 grievances received by the district.

15 (b) The policy must provide for the following levels of
16 review, subject to Subsection (c):

17 (1) review by:

18 (A) the principal of the school district campus
19 at which the grievance is filed or the principal's designee; or

20 (B) for a grievance that arises from subject
21 matter unrelated to a campus, an administrator at the school
22 district's central office;

23 (2) if established by the policy, an appeal to an
24 administrator at the school district's central office;

25 (3) an appeal to the superintendent of the school
26 district or the superintendent's designee; and

27 (4) an appeal to the board of trustees of the school

1 district.

2 (c) A review or appeal on a grievance must be conducted by a
3 person with the authority to address the grievance unless a
4 preliminary hearing is necessary to develop a record or a
5 recommendation for the board of trustees of the school district.

6 (d) The board of trustees of a school district may delegate
7 the authority to hear and decide a grievance to a committee of at
8 least three members composed only of members of the board of
9 trustees. For purposes of an appeal to the commissioner under
10 Section 7.057, a decision by the committee is a decision of the
11 board of trustees.

12 (e) The policy must:

13 (1) prohibit the board of trustees of the school
14 district or a district employee from retaliating against a student
15 or parent of or person standing in parental relation to a student
16 who files a grievance in accordance with the policy;

17 (2) require a person involved in reviewing a grievance
18 under the policy to recuse himself or herself from reviewing the
19 grievance if the person is the subject of the grievance;

20 (3) provide for a higher level of review under
21 Subsection (b) if the person who would otherwise review the
22 grievance is required to recuse himself or herself under
23 Subdivision (2);

24 (4) provide for the creation and retention of a record
25 of each hearing on the grievance, including:

26 (A) documents submitted by the person who filed
27 the grievance or determined relevant by school district personnel;

1 and

2 (B) a written record of the decision, including
3 an explanation of the basis for the decision and an indication of
4 each document that supports the decision;

5 (5) allow the person who filed the grievance to
6 supplement the record with additional documents or add additional
7 claims;

8 (6) allow for a remand to a lower level of review under
9 Subsection (b) to develop a record at any time, including at the
10 board of trustees level of review;

11 (7) require the school district to direct a grievance
12 that is filed with the incorrect administrator to the appropriate
13 administrator and consider the grievance filed on the date on which
14 the grievance was initially filed; and

15 (8) for a grievance before the board of trustees of the
16 school district, require that:

17 (A) the person who filed the grievance be
18 provided at least five business days before the date on which the
19 meeting to discuss the grievance will be held a description of any
20 information the board of trustees intends to rely on that is not
21 contained in the record; and

22 (B) the meeting at which the grievance is
23 discussed be recorded by video or audio recording or by transcript
24 created by a certified court reporter.

25 Sec. 26A.002. TIMELINES FOR FILING AND APPEAL. The policy
26 adopted under Section 26A.001 must:

27 (1) provide at least:

1 (A) for a grievance filed by a parent of or person
2 standing in parental relation to a student enrolled in the school
3 district:

4 (i) 60 days to file a grievance from the
5 date on which the parent or person knew or had reason to know of the
6 facts giving rise to the grievance; or

7 (ii) if the parent or person engaged in
8 informal attempts to resolve the grievance, the later of 90 days to
9 file a grievance from the date described by Subparagraph (i) or 30
10 days to file a grievance from the date on which the district
11 provided information to the parent or person regarding how to file
12 the grievance; and

13 (B) 20 days to file an appeal after the date on
14 which a decision on the grievance was made;

15 (2) for a hearing that is not before the board of
16 trustees of the school district, require:

17 (A) the district to hold a hearing not later than
18 the 10th day after the date on which the grievance or appeal was
19 filed; and

20 (B) a written decision to be made not later than
21 the 20th day after the date on which the hearing was held that
22 includes:

23 (i) any relief or redress to be provided;
24 and

25 (ii) information regarding filing an
26 appeal, including the timeline to appeal under this section and
27 Section 7.057, if applicable; and

1 (3) for a hearing before the board of trustees of the
2 school district, require the board of trustees to:

3 (A) hold a meeting to discuss the grievance not
4 later than the 60th day after the date on which the previous
5 decision on the grievance was made; and

6 (B) make a decision on the grievance not later
7 than the 30th day after the date on which the meeting is held under
8 Paragraph (A).

9 Sec. 26A.003. POSTING OF PROCEDURES AND FORMS. (a) The
10 board of trustees of a school district shall develop, make publicly
11 available in a prominent location on the district's Internet
12 website, and include in the district's student handbook:

13 (1) procedures for resolving grievances;

14 (2) standardized forms for filing a grievance, a
15 notice of appeal, or a request for a hearing under this chapter; and

16 (3) the method by which a grievance may be filed
17 electronically.

18 (b) A school district shall ensure that a grievance may be
19 submitted electronically at the location on the district's Internet
20 website at which the information described by Subsection (a) is
21 available.

22 (c) A school district shall submit and make accessible to
23 the agency the location on the district's Internet website at which
24 the information described by Subsection (a) is available.

25 SECTION 9. Subchapter 2, Chapter 44, Education Code, is
26 amended by adding Section 44.909 to read as follows:

27 Sec. 44.909. REPORT ON SETTLEMENT AGREEMENTS. In

1 accordance with commissioner rule, a school district or
2 open-enrollment charter school shall report to the agency the
3 amount of and the source of funding for each settlement agreement
4 entered into by the district or school.

5 SECTION 10. Section 12A.004(a), Education Code, as amended
6 by this Act, applies to a local innovation plan adopted or renewed
7 before, on, or after the effective date of this Act.

8 SECTION 11. (a) Except as provided by Subsection (b) of
9 this section, this Act applies beginning with the 2025-2026 school
10 year.

11 (b) The changes in law made by this Act apply to an appeal
12 filed with the commissioner of education on or after September 1,
13 2025. An appeal filed with the commissioner before September 1,
14 2025, is governed by the law in effect on the date the appeal was
15 filed, and the former law is continued in effect for that purpose.

16 SECTION 12. This Act takes effect immediately if it
17 receives a vote of two-thirds of all the members elected to each
18 house, as provided by Section 39, Article III, Texas Constitution.
19 If this Act does not receive the vote necessary for immediate
20 effect, this Act takes effect September 1, 2025.