

By: Creighton

S.B. No. 1565

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a school district's grievance procedure and to certain  
3 public school requirements and prohibitions regarding instruction  
4 and diversity, equity, and inclusion duties and the loss of funding  
5 for public schools that fail to comply with those provisions.

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

7 SECTION 1. Chapter 1, Education Code, is amended by adding  
8 Section 1.007 to read as follows:

9 Sec. 1.007. COMPLIANCE WITH MANDATORY POLICY. (a) In this  
10 section, "public elementary or secondary school" means a school  
11 district and a district, campus, program, or school operating under  
12 a charter under Chapter 12.

13 (b) A public elementary or secondary school, the school's  
14 governing body, and the school's employees shall implement and  
15 comply with each policy the school is required to adopt under this  
16 code or other law.

17 SECTION 2. Subchapter A, Chapter 11, Education Code, is  
18 amended by adding Section 11.005 to read as follows:

19 Sec. 11.005. PROHIBITION ON DIVERSITY, EQUITY, AND  
20 INCLUSION DUTIES. (a) In this section, "diversity, equity, and  
21 inclusion duties" means:

22 (1) influencing hiring or employment practices with  
23 respect to race, sex, color, or ethnicity except as necessary to  
24 comply with state or federal antidiscrimination laws;

1           (2) promoting differential treatment of or providing  
2 special benefits to individuals on the basis of race, color, or  
3 ethnicity;

4           (3) developing or implementing policies, procedures,  
5 or training programs that reference race, color, ethnicity, gender  
6 identity, or sexual orientation except as necessary to comply with  
7 state or federal law;

8           (4) compelling, requiring, inducing, or soliciting  
9 any person to provide a diversity, equity, and inclusion statement  
10 or giving preferential consideration to any person based on the  
11 provision of a diversity, equity, and inclusion statement; and

12           (b) Except as required by state or federal law, a school  
13 district:

14           (1) may not assign diversity, equity, and inclusion  
15 duties to any person; and

16           (2) shall prohibit a district employee, contractor, or  
17 volunteer from engaging in diversity, equity, and inclusion duties.

18           (c) A school district shall adopt a policy and procedure for  
19 the appropriate discipline, including termination, of a district  
20 employee or contractor who engages in or assigns to another person  
21 diversity, equity, and inclusion duties.

22           (d) Nothing in this section may be construed to limit or  
23 prohibit a school district from acknowledging or teaching the  
24 significance of state and federal holidays or commemorative months  
25 and how those holidays or months fit into the themes of history and  
26 the stories of this state and the United States of America in  
27 accordance with the essential knowledge and skills adopted under

1 Subchapter A, Chapter 28.

2 SECTION 3. Section 12.104(b), Education Code, is amended to  
3 read as follows:

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

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

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

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

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

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

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

19 (D) accelerated instruction under Section  
20 28.0211;

21 (E) high school graduation requirements under  
22 Section 28.025;

23 (F) special education programs under Subchapter  
24 A, Chapter 29;

25 (G) bilingual education under Subchapter B,  
26 Chapter 29;

27 (H) prekindergarten programs under Subchapter E

1 or E-1, Chapter 29, except class size limits for prekindergarten  
2 classes imposed under Section 25.112, which do not apply;

3 (I) extracurricular activities under Section  
4 33.081;

5 (J) discipline management practices or behavior  
6 management techniques under Section 37.0021;

7 (K) health and safety under Chapter 38;

8 (L) the provisions of Subchapter A, Chapter 39;

9 (M) public school accountability and special  
10 investigations under Subchapters A, B, C, D, F, G, and J, Chapter  
11 39, and Chapter 39A;

12 (N) the requirement under Section 21.006 to  
13 report an educator's misconduct;

14 (O) intensive programs of instruction under  
15 Section 28.0213;

16 (P) the right of a school employee to report a  
17 crime, as provided by Section 37.148;

18 (Q) bullying prevention policies and procedures  
19 under Section 37.0832;

20 (R) the right of a school under Section 37.0052  
21 to place a student who has engaged in certain bullying behavior in a  
22 disciplinary alternative education program or to expel the student;

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

26 (T) a parent's right to information regarding the  
27 provision of assistance for learning difficulties to the parent's

1 child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);

2 (U) establishment of residency under Section  
3 25.001;

4 (V) school safety requirements under Sections  
5 37.0814, 37.108, 37.1081, 37.1082, 37.1083, 37.1084, 37.1085,  
6 37.1086, 37.109, 37.113, 37.114, 37.1141, 37.115, 37.207, and  
7 37.2071 and Subchapter J, Chapter 37;

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

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

12 (Y) parental options to retain a student under  
13 Section 28.02124; and

14 (Z) diversity, equity, and inclusion duties  
15 under Section 11.005.

16 SECTION 4. Section 26.011, Education Code, is amended to  
17 read as follows:

18 Sec. 26.011. LOCAL GRIEVANCE PROCEDURE ~~[COMPLAINTS]~~.

19 (a) The board of trustees of each school district shall adopt a  
20 grievance procedure under which the board shall:

21 (1) address each grievance ~~[complaint]~~ that the board  
22 receives concerning a violation of the prohibition under Section  
23 11.005 or of a right guaranteed by this chapter;

24 (A) if the grievance is filed not later than six  
25 school weeks after the date on which the parent received notice of  
26 an incident giving rise to the grievance; or

27 (B) regardless of whether the grievance was filed

1 during the period prescribed by Paragraph (A) if the grievance was  
2 informally brought to the attention of school district personnel  
3 during that period;

4 (2) allow a parent at any time before a final decision  
5 by the board to provide additional evidence regarding the parent's  
6 grievance; and

7 (3) allow a parent to file more than one grievance at  
8 the same time.

9 (b) The board of trustees of a school district is not  
10 required by Subsection (a) or Section 11.1511(b)(13) to address a  
11 grievance [~~complaint~~] that the board receives concerning a  
12 student's participation in an extracurricular activity that does  
13 not involve a violation of a right guaranteed by this chapter. This  
14 subsection does not affect a claim brought by a parent under the  
15 Individuals with Disabilities Education Act (20 U.S.C. Section 1400  
16 et seq.) or a successor federal statute addressing special  
17 education services for a child with a disability.

18 (c) The board of trustees of a school district shall ensure  
19 a grievance procedure adopted under Subsection (a):

20 (1) authorizes a parent to file a grievance with the  
21 principal of the district campus the parent's child attends or the  
22 person designated by the district to receive grievances for that  
23 campus;

24 (2) requires that a principal or the person designated  
25 by the district to receive grievances for a campus:

26 (A) acknowledge receipt of a grievance under  
27 Subdivision (1) not later than two school business days after

1 receipt of the grievance; and

2 (B) not later than the 14th school business day  
3 after receipt of a grievance described by Subdivision (1), provide  
4 to the parent who submitted the grievance written documentation of  
5 the decision regarding the issue that gave rise to the grievance,  
6 including:

7 (i) an explanation of the findings that  
8 contributed to the decision;

9 (ii) notification regarding the parent's  
10 right to appeal the decision; and

11 (iii) the timeline for appealing the  
12 decision;

13 (3) requires that, if a parent appeals a decision  
14 under Subdivision (2) not later than the 14th school business day  
15 after receiving notice of the decision, the superintendent or the  
16 superintendent's designee provide to the parent not later than the  
17 14th school business day after receipt of the appeal written  
18 documentation of the decision regarding the issue that gave rise to  
19 the grievance, including:

20 (A) an explanation of the findings that  
21 contributed to the decision;

22 (B) notification regarding the parent's right to  
23 appeal the decision; and

24 (C) the timeline for appealing the decision;

25 (4) requires that, if a parent appeals a decision  
26 under Subdivision (3) not later than the 14th school business day  
27 after receiving notice of the decision, the board hear the

1 grievance in a closed session at the board's next regular meeting  
2 that occurs on or after the 14th school business day after the date  
3 the board receives notice of the appeal; and

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

10 (d) The parties may mutually agree to adjust the timeline  
11 for the procedure under this section.

12 (e) Notwithstanding Subsection (d), if a grievance  
13 submitted under this section involves an employee who is on  
14 documented leave that is scheduled to begin or has begun before the  
15 grievance is submitted, the district may alter the timeline for the  
16 procedure under this section to make a reasonable accommodation for  
17 the employee's leave. The district must provide notice of the  
18 change to the parent who submitted the grievance.

19 SECTION 5. Chapter 26, Education Code, is amended by adding  
20 Sections 26.0111 and 26.0112 to read as follows:

21 Sec. 26.0111. GRIEVANCE HEARING BEFORE HEARING EXAMINER.

22 (a) This section applies only to a grievance regarding a violation  
23 of:

24 (1) Section 11.005, 28.0022, or 28.004 or Chapter 38  
25 or the implementation of those provisions by a school district; or

26 (2) Chapter 551, Government Code, involving school  
27 district personnel.

1       (b) If a parent has exhausted the parent's options under the  
2 local grievance procedure established by the board of trustees of a  
3 school district under Section 26.011 regarding a grievance to which  
4 this section applies, and the grievance is not resolved to a  
5 parent's satisfaction, the parent may file a written request with  
6 the commissioner for a hearing before a hearing examiner under this  
7 section not later than the 30th school business day after the date  
8 on which the board of trustees of the district resolved the parent's  
9 grievance under Section 26.011. The parent must provide the  
10 district with a copy of the request and must provide the  
11 commissioner with a copy of the district's resolution of the  
12 grievance. The parties may agree in writing to extend by not more  
13 than 10 school business days the deadline for requesting a hearing.

14       (c) The commissioner shall assign a hearing examiner to  
15 review the grievance in the manner provided by Section 21.254. The  
16 hearing examiner has the powers described by Sections 21.255 and  
17 21.256 and shall conduct the hearing in the manner provided by those  
18 sections as if the parent were a teacher.

19       (d) Not later than the 60th business day after the date on  
20 which the commissioner receives a parent's written request for a  
21 hearing, the hearing examiner shall complete the hearing and make a  
22 written recommendation that includes proposed findings of fact and  
23 conclusions of law. The recommendation of the hearing examiner is  
24 final and may not be appealed.

25       (e) Sections 21.257(c), (d), and (e) apply to a hearing  
26 under this section in the same manner as a hearing conducted under  
27 Subchapter F, Chapter 21.

1       (f) The costs of the hearing examiner, the court reporter,  
2 the original hearing transcript, and any hearing room costs, if the  
3 hearing room is not provided by the school district, shall be paid  
4 by the school district if the hearing examiner finds in favor of the  
5 parent.

6       (g) Notwithstanding Subsection (d), if a parent fails to  
7 appear at a hearing under this section, the hearing examiner is not  
8 required to complete the hearing and may not make a recommendation  
9 in favor of the parent.

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

18       SECTION 6. Section [28.0022](#), Education Code, is amended by  
19 amending Subsection (f) and adding Subsection (h) to read as  
20 follows:

21       (f) This section does not create a private cause of action  
22 against a teacher, administrator, or other employee of a school  
23 district or open-enrollment charter school. [~~A school district or~~  
24 ~~open-enrollment charter school may take appropriate action~~  
25 ~~involving the employment of any teacher, administrator, or other~~  
26 ~~employee based on the individual's compliance with state and~~  
27 ~~federal laws and district policies.]~~

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

6       SECTION 7. Subchapter A, Chapter 48, Education Code, is  
7 amended by adding Section 48.013 to read as follows:

8       Sec. 48.013. CERTIFICATION OF COMPLIANCE WITH CERTAIN LAWS  
9 REQUIRED. (a) Not later than September 30 of each year, the  
10 superintendent of a school district or open-enrollment charter  
11 school shall certify to the agency that the district or school is in  
12 compliance with this section and Sections 11.005 and 28.0022.

13       (b) The certification required by Subsection (a) must:

14           (1) be:

15                   (A) approved by a majority vote of the board of  
16 trustees of the school district or the governing body of the  
17 open-enrollment charter school at a public meeting that includes an  
18 opportunity for public testimony and for which notice was posted on  
19 the district's or school's Internet website at least seven days  
20 before the date on which the meeting is held; and

21                   (B) submitted electronically to the agency; and

22           (2) include:

23                   (A) a description of the policies and procedures  
24 required by Sections 11.005(c) and 28.0022(h) and the manner in  
25 which district or school employees and contractors were notified of  
26 those policies and procedures;

27                   (B) any existing policies, programs, procedures,

1 or trainings that were altered to ensure compliance with this  
2 section or Section 11.005 or 28.0022; and

3 (C) any cost savings resulting from actions taken  
4 by the school district or open-enrollment charter school to comply  
5 with this section.

6 (c) The agency shall post each certification received under  
7 Subsection (a) on the agency's Internet website.

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

11 SECTION 9. (a) Except as provided by Subsection (b) of this  
12 section, this Act takes effect immediately if it receives a vote of  
13 two-thirds of all the members elected to each house, as provided by  
14 Section 39, Article III, Texas Constitution. If this Act does not  
15 receive the vote necessary for immediate effect, this Act takes  
16 effect September 1, 2025.

17 (b) Section 48.013, Education Code, as added by this Act,  
18 takes effect September 1, 2025.