

By: Shaheen

H.B. No. 4292

A BILL TO BE ENTITLED

AN ACT

relating to appeals regarding school laws and a school district's grievance procedure regarding complaints concerning violation of state education law or school district board of trustees policy.

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

SECTION 1. (a) This section takes effect only if H.B. 1025, 89th Legislature, Regular Session, 2025, becomes law.

(b) Section 7.057, Education Code, is amended by amending Subsections (a) and (c) and adding Subsection (c-1) to read as follows:

(a) Except as provided by Subsection (e), a person may appeal in writing to the inspector general ~~[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 or open-enrollment charter school governing body that violate:

(A) ~~[the school laws of this]~~ state or federal law; ~~[or]~~

(B) a policy adopted by a school district board of trustees or open-enrollment charter school governing body; or

(C) a provision of a written employment contract between the school district or open-enrollment charter school and a ~~[school]~~ district or school employee, if a violation causes or

would cause monetary harm to the employee.

(c) In an appeal against a school district or open-enrollment charter school, the inspector general ~~[commissioner]~~ shall, not later than the 60th ~~[240th]~~ day after the date the appeal is filed, issue a decision based on a review of the record developed at the district or school level under a substantial evidence standard of review. The parties to the appeal may agree in writing to extend, by not more than seven ~~[60]~~ days, the date by which the inspector general ~~[commissioner]~~ must issue a decision under this subsection. The inspector general shall provide a copy of the record to the person who filed the grievance not later than the seventh day after the date on which the inspector general receives the record. A school district's or open-enrollment charter school's disclosure of the record to the inspector general ~~[commissioner]~~ under this subsection is not an offense under Section 551.146, Government Code.

(c-1) In an appeal against a school district or open-enrollment charter school, the inspector general may find a violation not raised by the person bringing the appeal.

SECTION 2. (a) This section takes effect only if H.B. 1025, 89th Legislature, Regular Session, 2025, does not become law.

(b) Section 7.057, Education Code, is amended by amending Subsections (a) and (c) and adding Subsection (c-1) to read as follows:

(a) Except as provided by Subsection (e), 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 or open-enrollment charter school governing body that violate:

(A) [~~the school laws of this~~] state or federal law; [~~or~~]

(B) a policy adopted by a school district board of trustees or open-enrollment charter school governing body; or

(C) a provision of a written employment contract between the school district or open-enrollment charter school and a [~~school~~] district or school employee, if a violation causes or would cause monetary harm to the employee.

(c) In an appeal against a school district or open-enrollment charter school, the commissioner shall, not later than the 60th [~~240th~~] day after the date the appeal is filed, issue a decision based on a review of the record developed at the district or school level under a substantial evidence standard of review. The parties to the appeal may agree in writing to extend, by not more than seven [~~60~~] days, the date by which the commissioner must issue a decision under this subsection. The commissioner shall provide a copy of the record to the person who filed the grievance not later than the seventh day after the date on which the commissioner receives the record. A school district's or open-enrollment charter school's disclosure of the record to the commissioner under this subsection is not an offense under Section [551.146](#), Government Code.

(c-1) In an appeal against a school district or open-enrollment charter school, the commissioner may find a

1 violation not raised by the person bringing the appeal.

2 SECTION 3. (a) This section takes effect only if H.B. 1025,
3 89th Legislature, Regular Session, 2025, becomes law.

4 (b) Section 7.057(f), Education Code, is amended by adding
5 Subdivision (3) to read as follows:

6 (3) "Inspector general" means the inspector general
7 appointed under Subchapter E, Chapter 7.

8 SECTION 4. Section 12A.004(a), Education Code, is amended
9 to read as follows:

10 (a) A local innovation plan may not provide for the
11 exemption of a district designated as a district of innovation from
12 the following provisions of this title:

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

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

19 (3) the grievance procedure required by Section
20 26.011;

21 (4) state curriculum and graduation requirements
22 adopted under Chapter 28; and

23 (5) ~~[(4)]~~ academic and financial accountability and
24 sanctions under Chapters 39 and 39A.

25 SECTION 5. Section 26.011, Education Code, is amended to
26 read as follows:

27 Sec. 26.011. GRIEVANCE PROCEDURE ~~[COMPLAINTS]~~. (a) The

1 board of trustees of each school district shall adopt a grievance
2 procedure under which the board shall address each grievance
3 ~~[complaint]~~ that the board receives concerning a violation of a
4 right guaranteed by this chapter, of a board of trustees policy, or
5 of a provision of this title.

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

16 (c) The grievance procedure adopted under Subsection (a)
17 must provide for:

18 (1) a grievance to be considered timely filed
19 regardless of when the conduct giving rise to the grievance
20 occurred;

21 (2) a copy of each grievance filed with the school
22 district and any supporting documentation to be provided to the
23 district's board of trustees not later than the seventh business
24 day after the date on which the grievance is filed;

25 (3) the board of trustees of the school district to be
26 represented with respect to grievances by separate, independent
27 legal counsel from the district who is not recommended, directed,

1 or assigned by the district;

2 (4) not more than three levels of review as follows:

3 (A) a review by the principal of the district
4 campus at which the grievance was filed that includes:

5 (i) a conference with the principal and the
6 person who filed the grievance, recorded by the principal or the
7 principal's designee and provided to the person who filed the
8 grievance, held not later than:

9 (a) the seventh business day after the
10 date on which the grievance is filed; or

11 (b) if the grievance regards a safety
12 concern, the second business day after the date on which the
13 grievance is filed; and

14 (ii) a written decision by the principal
15 and, if applicable, relief not later than the seventh business day
16 after the date on which the conference was held under Subparagraph
17 (i);

18 (B) if the requested relief was not granted or if
19 the principal did not timely provide a written decision under
20 Paragraph (A)(ii), an automatic appeal to the superintendent of the
21 district at which the grievance was filed that includes:

22 (i) a conference with the superintendent
23 and the person who filed the grievance, recorded by the
24 superintendent or the superintendent's designee and provided to the
25 person who filed the grievance, held not later than the seventh
26 business day after the date on which the appeal was initiated; and

27 (ii) a written decision by the

1 superintendent and, if applicable, relief not later than the
2 seventh business day after the date on which the conference was held
3 under Subparagraph (i); and

4 (C) if the requested relief was not granted or if
5 the superintendent did not timely provide a written decision under
6 Paragraph (B)(ii), an automatic appeal to the board of trustees of
7 the district that includes:

8 (i) a hearing on the grievance at a meeting
9 of the board of trustees, which must be:

10 (a) an open meeting if requested by
11 the person who filed the grievance; and

12 (b) recorded by audio or video
13 recording or by court reporter by the board of trustees, separate
14 from any other recording the board of trustees is required to make
15 of the meeting;

16 (ii) written notice of the proposed date,
17 time, and location of the hearing described by Subparagraph (i)
18 provided to the person who filed the grievance not later than the
19 seventh day after the date on which the appeal was initiated;

20 (iii) the consent of the person who filed
21 the grievance to the date and time of the hearing described by
22 Subparagraph (i);

23 (iv) the provision of all material,
24 including any video footage, the district will use at the hearing to
25 the person who filed the grievance not later than the third business
26 day before the date on which the hearing is held, redacted only as
27 authorized by law; and

1 (v) a written decision by the board of
2 trustees and, if applicable, relief, which may not include remand
3 to the district, not later than the seventh business day after the
4 date on which the hearing is held;

5 (5) the person who filed the grievance to be notified
6 before the conference or hearing, as applicable, of:

7 (A) the school district's legal representation;

8 (B) each attorney employed by or under contract
9 with the school district who was involved in the matter giving rise
10 to the grievance before the grievance was filed and the nature of
11 the attorney's involvement; and

12 (C) the person responsible for investigating the
13 grievance at each level of review described by Subdivision (4);

14 (6) except as provided by Subsection (d), the addition
15 of evidence to the record throughout the grievance procedure,
16 regardless of when the evidence was discovered; and

17 (7) for a grievance alleging a violation of law or a
18 board of trustees policy, the grievance to proceed directly to the
19 level of review described by Subdivision (4)(C).

20 (d) The board of trustees of a school district may not use at
21 a hearing described by Subsection (c)(4)(C)(i) any material not in
22 the record developed at the level of review described by Subsection
23 (c)(4)(A) or (B).

24 (e) Notwithstanding any other provision of this section, a
25 person involved in the matter that gave rise to a grievance,
26 including school district staff or legal counsel, may not
27 participate in the grievance procedure adopted under Subsection (a)

1 for that grievance. In the event of a conflict of interest
2 described by this subsection for a person required to hear the
3 grievance under Subsection (c)(4):

4 (1) the district must select a person who does not have
5 a conflict of interest to hear the grievance at the applicable level
6 of review;

7 (2) the person who filed the grievance may contest the
8 person selected under Subdivision (1) if the person who filed the
9 grievance believes the selected person is conflicted as described
10 by this subsection or was not chosen in good faith; and

11 (3) if the district and the person who filed the
12 grievance cannot agree on a person to hear the grievance, the
13 grievance must be heard by the board of trustees of the district in
14 accordance with Subsection (c)(4)(C).

15 (f) A school district may not require a person who files a
16 grievance to submit a desired relief for the grievance. If desired
17 relief is submitted by the person, the district must allow the
18 person to amend the desired relief during the grievance procedure.

19 (g) A member of a school district board of trustees may file
20 a grievance with the district. The member may not vote on matters
21 related to that grievance.

22 (h) If, during the investigation of a grievance, a school
23 district discovers an unreported violation of a right guaranteed by
24 this chapter, of board of trustees policy, or of a provision of this
25 title, the district shall open a new investigation into the
26 unreported violation.

27 (i) A school district may not be represented by an attorney

1 at a conference or hearing held under Subsection (c)(4) unless the
2 person who filed the grievance is represented by an attorney at the
3 conference or hearing.

4 (k) Each absence of a student due to a safety concern during
5 the pendency of a grievance filed by or on behalf of the student
6 regarding that safety concern is counted as two absences for
7 purposes of calculating a school district's average daily
8 attendance.

9 (1) The superintendent of a school district is responsible
10 for ensuring that the grievance procedure adopted under Subsection
11 (a) is followed and may not delegate that responsibility to another
12 person. If the State Board for Educator Certification determines
13 that a superintendent has not ensured that the grievance procedure
14 is followed, the board may:

15 (1) issue an inscribed reprimand to be placed on the
16 superintendent's certification records for a period of at least
17 five years; or

18 (2) revoke the superintendent's certification.

19 (m) At the beginning of each school year, a school district
20 shall provide to each student and the parent of each student
21 enrolled in the district written notice regarding the district's
22 grievance procedure adopted under Subsection (a). The notice:

23 (1) may not be combined with any other notice or
24 information provided to the parent; and

25 (2) must include a detailed description of the
26 grievance procedure, including the levels of review, any time
27 limits provided, and the manner in which the person assigned to hear

a grievance is selected.

(n) A school district shall post in a prominent location on the district's Internet website the grievance procedure adopted under Subsection (a) and instructions regarding how to file a grievance.

(o) A school district shall provide to each person who files a grievance an optional survey on the person's experience with and satisfaction with the results of the grievance procedure adopted under Subsection (a).

(p) Each school district shall include the following information in the district's Public Education Information Management System (PEIMS) report:

(1) data relating to grievances filed with the district during the preceding school year, disaggregated by the level of review described by Subsection (c)(4), including:

(A) the number of grievances filed;
(B) the subject matter of each grievance;
(C) the number of grievances dismissed; and
(D) the number of grievances for which relief was granted; and

(2) the results of the survey submitted under Subsection (o).

(q) The commissioner may adopt rules as necessary to implement this section.

SECTION 6. (a) This section takes effect only if H.B. 1025, 89th Legislature, Regular Session, 2025, becomes law.

(b) Section 26.011, Education Code, as amended by this Act,

is amended by adding Subsections (j) and (r) to read as follows:

(j) A school district may not retaliate against a student or parent who files a grievance or a student on whose behalf a grievance is filed. If the inspector general determines that a district has retaliated against a student or parent in violation of this subsection:

(1) the inspector general shall:

(A) investigate the grievance, if the grievance has not yet been resolved;

(B) require the district to preserve all district records until the audit described by Paragraph (C) is completed;

(C) not later than the 30th day after the date on which the determination was made, conduct an audit of the district;

(D) if the inspector general determines that a district educator has retaliated against a student or parent in violation of this subsection, report the educator to the State Board for Educator Certification for investigation; and

(E) report the determination to the commissioner for purposes of Subdivision (2); and

(2) the commissioner may withhold approval for the guarantee of the district's bonds by the permanent school fund under Subchapter C, Chapter 45.

(r) In this section, "inspector general" means the inspector general appointed under Subchapter E, Chapter 7.

SECTION 7. (a) This section takes effect only if H.B. 1025, 89th Legislature, Regular Session, 2025, does not become law.

(b) Section 26.011, Education Code, as amended by this Act,

is amended by adding Subsection (j) to read as follows:

(j) A school district may not retaliate against a student or parent who files a grievance or a student on whose behalf a grievance is filed. If the agency determines that a district has retaliated against a student or parent in violation of this subsection:

(1) the agency shall:

(A) investigate the grievance, if the grievance has not yet been resolved;

(B) require the district to preserve all district records until the audit described by Paragraph (C) is completed;

(C) not later than the 30th day after the date on which the determination was made, conduct an audit of the district; and

(D) if the agency determines that a district educator has retaliated against a student or parent in violation of this subsection, report the educator to the State Board for Educator Certification for investigation; and

(2) the commissioner may withhold approval for the guarantee of the district's bonds by the permanent school fund under Subchapter C, Chapter 45.

SECTION 8. Section 25.087, Education Code, is amended by adding Subsection (b-10) to read as follows:

(b-10) A school district shall excuse a student from attending school for an absence due to a safety concern regarding which a grievance filed by or on behalf of the student is pending under Section 26.011. A student whose absence is excused under this

1 subsection may not be penalized for that absence and shall be
2 allowed a reasonable time to make up school work missed on those
3 days. If the student satisfactorily completes the school work, the
4 day of absence shall be counted as a day of compulsory attendance.

5 SECTION 9. This Act applies beginning with the 2025-2026
6 school year.

7 SECTION 10. Except as otherwise provided by this Act, this
8 Act takes effect immediately if it receives a vote of two-thirds of
9 all the members elected to each house, as provided by Section 39,
10 Article III, Texas Constitution. If this Act does not receive the
11 vote necessary for immediate effect, this Act takes effect
12 September 1, 2025.