

BILL ANALYSIS

H.B. 1669
By: King, Tracy O.
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties assert that certain appeals and complaints arising from school laws brought by parents and public school students have no legal basis and cause districts to waste resources by addressing them. H.B. 1669 seeks to address this waste of resources in part by authorizing the award of attorney's fees to districts in certain circumstances.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1669 amends the Education Code to authorize the commissioner of education, if the commissioner determines that an appeal brought by a parent or student against a public school district is frivolous, to order the parent or student to pay the district's reasonable attorney's fees. The bill requires the commissioner to consider an appeal brought against a district by a parent or student relating to a complaint concerning a student's participation in an extracurricular activity that does not involve a violation of a guaranteed parental right to be frivolous and to order the parent or student to pay the district's reasonable attorney's fees. The bill otherwise excludes such a complaint from the applicability of statutory provisions relating to appeals arising from school law.

H.B. 1669 establishes that the board of trustees of an independent school district and district administrators are not required to provide a hearing regarding a frivolous complaint under the process through which district personnel, students or the parents or guardians of students, and members of the public may obtain a hearing from the district administrators and the board regarding a complaint. The bill defines "frivolous complaint" as a complaint brought by a parent or student that is without merit and is brought with the intent to harass, annoy, threaten, or vex the district, a member of the district board of trustees, a district employee, or a parent of a student enrolled in the district.

H.B. 1669 establishes that the board of trustees of a district is not required to address a complaint that the board receives concerning a student's participation in an extracurricular activity that does not involve a violation of a guaranteed parental right.

EFFECTIVE DATE

September 1, 2017.

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17.83.150