

**SUBJECT:** Reporting of grievances by school district employees

**COMMITTEE:** Public Education — favorable, without amendment

**VOTE:** 8 ayes — Eissler, Zedler, Branch, Dutton, Hochberg, Mowery, Olivo, Patrick

0 nays

1 absent — Delisi

**WITNESSES:** For —Portia Bosse, Texas State Teachers Association; Lindsay Gustafson, Texas Classroom Teachers Association; Ted Melina Raab, Texas Federation of Teachers; (*Registered, but did not testify:* Bill Carpenter, Texas Council of Administrators of Special Education; Elena Lincoln, Association of Texas Professional Educators; Alejandra Martin, Texas Association of School Personnel Administrators)

Against —None

**DIGEST:** HB 1622 would amend Education Code, ch.11 to permit a school employee with a grievance against a supervisor – if the grievance alleged that the supervisor violated the law in the workplace or unlawfully harassed the employee – to report the grievance to a supervisor other than the one against whom the employee intended to report the grievance.

The bill would take effect September 1, 2007.

**SUPPORTERS SAY:** HB 1622 would provide school employees with better options in appropriately reporting grievances against supervisors and would protect employees in some circumstances where protection would not be provided under the state Whistleblower Act (Government Code, ch. 554).

The Whistleblower Act protects a public employee against retaliation when the employee in good faith reports a violation of state or federal law to an appropriate law enforcement authority. A successful claim must show that the report of a violation of law was objectively reasonable and made to an authority the employee honestly believed could enforce the

law. A school employee who did not meet the narrow requirements of the Act may be left without a remedy in some cases.

The bill would provide another avenue for addressing concerns outside the chain of command, which is a common practice for sexual harassment and equal employment opportunity grievances. Also, school employees should not fear reporting a principal's involvement in activities such as manipulating TAKS exam scores or requesting that a student's grade be changed. Allowing school employees to direct their grievances to an appropriate disinterested party would promote a fair and unbiased investigation.

**OPPONENTS  
SAY:**

While HB 1622 would address a school employee's concern with respect to grievances against a supervisor for violations of the law, the bill should not limit the reporting to only these kinds of grievances. School employees should be permitted to report grievances to someone other than a direct supervisor regardless of the nature of the grievance. Extending the policy would protect school employees who needed to address matters of internal policy that were not mandated by state or federal law.