

# Texas Education Agency

## State-Level NCLB Complaint Procedures

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### Statutory Requirement

Pursuant to 20 USC 7844, Sec 9304 (a)(3)(C), of the *ESEA* (<http://www2.ed.gov/policy/elsec/leg/esea02/107-110.pdf>), a State Educational Agency (SEA) shall adopt written procedures that offer parents, public agencies, other individuals or organizations a method for receipt and resolution of complaints alleging violations in the administration of the programs. For a list of major programs included in the Elementary and Secondary Education Act and covered under this complaint policy and procedure see below.

### Local-level Resolution

As part of its Assurances within NCLB program grant applications and pursuant to Section 9306 of the No Child Left Behind Act, an LEA accepting federal funds also agrees to adopt local written procedures for the receipt and resolution of complaints alleging violations of law in the administration of covered programs.

**NOTE:** Therefore, for complaints originating at the local level, a complaint should not be filed with TEA until every effort has been made to resolve the issue through local written complaint procedures. If the complainant has tried to file a complaint at the local level and the LEA does not accept the complaint, the complainant must provide TEA with written documentation of their attempt to resolve the issue at the local level.

### State-level Resolution

Any individual, organization or agency (“complainant”) may file a complaint with the Texas Education Agency (“TEA”) if that individual, organization or agency believes and alleges that a local educational agency (“LEA”), TEA, or an agency or consortium of agencies is violating a Federal or statute or regulation that applies to a program under the No Child Left Behind (NCLB) Act. The complaint must allege a violation that occurred not more than one (1) year prior to the date that the complaint is received, unless a longer period is reasonable because the violation is considered systemic or ongoing.

### What is a state-level complaint?

A complaint is a written allegation that a school, school district, other agency authorized by a school district or the TEA, or the TEA has violated the law in the administration of education programs required by ESEA. A complaint may be submitted in writing or electronically. If a complaint is submitted electronically, the sender must be verified by providing complete mailing address. The complaint must allege a violation that occurred not more than one (1) year prior to the date that the complaint is received, unless a longer period is reasonable because the violation is considered systemic or ongoing.

### What to include in a state-level complaint?

A complaint must be made in writing and signed by the complainant (or verified). The complaint must include the following:

1. Name of the LEA (charter or school district).

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2. Documentation that the complaint was or was not accepted by the LEA and any LEA responses.
3. A statement that the LEA, TEA, agency or consortium of agencies has violated a requirement of a Federal statute or regulation that applies to an applicable program;
4. The date on which the violation occurred;
5. The facts on which the allegations are based and the specific requirement allegedly violated (include citation to the Federal or state regulation);
6. A list of the names and telephone numbers of individuals who can provide additional information;
7. Whether a complaint has been filed with any other government agency, and if so, which agency;
8. Copies of all applicable documents supporting the complainant's position; and
9. The current address of the complainant.

### **Where to send the state-level complaint?**

Correspondence and Complaints Management  
Office of the Commissioner  
Texas Education Agency  
1701 N. Congress Avenue  
Austin, Texas 78701  
FAX (512) 463-9008  
EMAIL [complaintsmanagement@tea.state.tx.us](mailto:complaintsmanagement@tea.state.tx.us)

### **What happens after filing a state-level complaint?**

Within ten (10) working days of receipt of the complaint, the TEA will send a written notice to acknowledge receipt of the complaint. The notice will contain the following information:

1. The date TEA received the complaint.
2. How the additional information may be provided for TEA review.
3. A statement of the ways in which the TEA may investigate or address the complaint.
4. The tentative resolution date is sixty (60) days from the date that the written complaint was received by TEA.
5. Any other pertinent information.
6. The name and phone number of a contact person for status updates.

If the complaint involves an LEA, TEA will also send a copy of the notice to the local superintendent, along with a copy of the complaint. TEA will contact the LEA to clarify the issues and review the complaint process.

If the complaint cannot be resolved through this contact, TEA will invite the LEA to submit a written response to TEA, and to provide a copy of the response to the complainant.

TEA will review the LEA local resolution information and determine whether:

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1. An extension of time may be required to resolve the complaint based on the information provided. If an extension is required, TEA informs all involved in writing of the revised timeframe.
2. Additional information is needed.
3. Other measures must be taken to resolve the issues raised in the complaint.
4. A Letter of Findings can be issued by TEA based on the information submitted.

### **Resolution of the state-level complaint**

If a violation has occurred, TEA shall impose the appropriate consequences or corrective action as required by regulation to resolve the complaint. TEA shall monitor and review any corrective actions and notify the LEA of its compliance status.

### **Right to Appeal TEA's Final Written Decision to U.S. Department of Education**

If an individual, organization or agency is aggrieved by the final decision of the TEA, that individual, organization or agency has the right to request review of the decision by the United States Secretary of Education. The review is at the Secretary's discretion.

The complainant must appeal no later than 30 days after the TEA resolves the complaint or fails to resolve the complaint within a reasonable period of time. The appeal must be accompanied by a copy of TEA's final written decision and a complete statement of reasons supporting the appeal.

### **Where to send the appeal?**

Secretary, United States Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-4611

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**Major Programs Under the Elementary and Secondary Education Act**

<b>PROGRAMS</b>	<b>DESCRIPTION</b>
Title I	Improving the Academic Achievement of the Disadvantaged
Title I, Part A	Improving Basic Programs Operated by Local Educational Agencies
Title I, Part B, Subpart 1	Reading First
Title I, Part B, Subpart 3	William F. Goodling Even Start Family Literacy Program
Title I, Part C	Education of Migratory Children
Title I, Part D	Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk
Title I, Part F	Comprehensive School Reform
Title II	Preparing, Training, and Recruiting High Quality Teachers and Principals
Title II, Part A	Teacher and Principal Training and Recruiting Fund
Title II, Part D	Enhancing Education through Technology
Title III	Language Instruction for Limited English Proficient and Immigrant Students
Title III, Part A	English Language Acquisition, Language Enhancement, and Academic Achievement
Title IV	21st Century Schools
Title IV, Part A, Subpart 1	Safe and Drug Free Schools and Communities
Title IV, Part B	21st Century Community Learning Centers
Title V	Promoting Informed Parental Choice and Innovative Programs
Title V, Part A	Innovative Programs
Title VI	Flexibility and Accountability
Title VI, Part A, Subpart 1	Improving Academic Achievement, Accountability, Grants for State Assessments and Enhanced Assessments
Title VI, Part B, Subpart 1	Small, Rural School Achievement Program
Title VI, Part B, Subpart 2	Rural and Low-Income Schools
Title IX	General Provisions
Title IX, Part E (section 9532)	Unsafe School Choice Option
Title X	Repeals, Re-designations, and Amendments to Other Statutes
Title X, Part C	McKinney-Vento Homeless Education Assistance Improvements