

General Description:

The Texas Education Agency has jurisdiction to investigate violations of school law concerning Local Education Agencies (LEAs) (school districts and charter schools), certified educator certificate holders, and educator preparation programs. TEA encourages and supports parents and school staff in their efforts to reach a resolution locally. If informal means are not successful, a formal process may be initiated by filing a formal written complaint in a timely manner.

Local Grievance Process (Generally):

Level One- School or Campus Principal

In most districts, a formal grievance is first filed, in writing, with the school or campus principal. Each school district or charter may have their own timelines and complaint forms so the individual will need to request these from the district or charter (if required by local policy). Individuals may also include supporting documentation relating to the complaint.

Level Two- Superintendent or Superintendent's Designee

If the individual did not receive the relief requested at Level One or if the time for a response has expired, an individual may request a conference with the Superintendent or designee to appeal the Level One decision. The appeal notice must be filed in writing, on a form provided by the district or charter (if required by local policy). The individual should include their original complaint form and all other documents submitted and received at Level One. The individual may also include any other supporting documentation relating to their complaint.

Level Three- School Board of Trustees or Charter School Board

If the individual did not receive the relief requested at Level Two or if the time for a response has expired, they may appeal the decision to the school board. The appeal notice must be filed in writing, on a form provided by the district or charter (if required by local policy). The individual should include their original complaint form and all other documents submitted and received at Levels One and Two. They may also include any other supporting documentation relating to their complaint.

TEA's Investigation Divisions do not have the authority to investigate a school entity in order to **overturn the outcome an individual has received from the local process that they disagree with**. The authority of TEA's Investigation Divisions regarding local grievances is limited to reviewing whether an LEA violated state law requirements about the local grievance process. *

Appeal to the Commissioner of Education:

If after exhausting the local grievance process (Levels One-Three) an individual is still aggrieved by the school district's decision, they may file an appeal in writing to the Commissioner of Education under TEC §7.057. Exception: A student disciplinary action under Chapter 37 by the board of trustees is final and may not be appealed to the Commissioner- TEC §7.057(e)(2). The Commissioner has determined that appeals of decisions by the governing body of Charter Schools may not be considered under TEC §7.057(a)(2).

If the appeal is governed by this statute, the individual has 45 calendar days from the date the decision was communicated to them to file a Petition for Review in writing with the Commissioner.

Authority:

State law gives local education agencies, including school districts and charter schools, significant autonomy and authority. The Texas Education Code (TEC) Section 11.1511 establishes specific powers and duties of the board of trustees. Section 11.151(b) states that "All powers and duties not specifically delegated by statute to the agency or the State Board of Education are reserved for the trustees, and the agency may not substitute its judgement for the lawful exercise of those powers and duties by the trustees." By state law, "the board of trustees of a school district or the governing body of an open-enrollment charter school has primary responsibility for ensuring that the district or school complies with all applicable requirements of state educational programs." TEC §7.028.

*See "Complaints Process" one-pager for more information.

Complaints at a Glance

Fiscal Year 2022

2, 278 complaints received

1, 088 complaints referred to local grievance process.

What is a complaint?

A complaint is a written claim that an entity or individual does not follow school laws or rules that are within TEA's investigative jurisdiction.

Submitting a complaint to TEA Complaints Management after you have exhausted the local grievance process (Levels One-Three) does not meet requirements as an Appeal to the Commissioner of Education under TEC §7.057.