

Hearings Before an Independent Hearing Examiner (IHE)

The school district must provide written notice of non-renewal to teachers no later than **10 calendar days** before the last day of instruction. (Texas Education Code § 21.206)

If applicable, the teacher may request a hearing with an Independent Hearing Examiner (“IHE”). (Texas Education Code § 21.251)

1. To request a hearing with an IHE the teacher may file a written request for a hearing and include the notice of non-renewal received from the district no later than the **15 calendar days** after the date teacher received the notice of non-renewal. (Texas Education Code § 21.253). The request may be sent to Texas Education Agency, Office of Legal Services by fax, hand delivery, first-class mail or overnight mail. At the time of filing a request for an IHE, the teacher must submit a courtesy copy to the district.
 - Requests must be sent to Texas Education Agency, 1701 N. Congress Ave., Division of Hearings & Appeals, Austin, Texas 78701 or by fax to (512) 475-3662.
 - Your request must include your contact information (i.e., phone number, fax number, email and mailing address) so that our office and the hearing examiner can contact you.
2. On the 6th business day, after receipt of the request for hearing, the matter will be assigned to an IHE. Parties will be notified of the hearing examiner by facsimile and/or certified mail. If parties agree on an IHE, parties must notify the commissioner before the **6th business day**. The notice must include the name and contact information of the hearing examiner that the parties agreed to use. If for any reason the parties agree to reject the hearing examiner assigned by the commissioner, a rejection must be filed in writing no later than **3 calendar days** after the date on the notification of assignment. (Tex. Edu. Code § 21.254). Once the case is assigned to an IHE, the IHE will be the main point of contact throughout the proceedings.
3. The hearing examiner shall complete the hearing and make a written recommendation no later than **60 calendar days** after the date the request for hearing was received by TEA. However, parties may agree to extend the written recommendation deadline by not more than **45 calendar days**. (Texas Education Code § 21.257).
4. Once the hearing is held and the IHE has prepared their recommendation, they will send a copy of the recommendation to all parties including the Commissioner of Education.
5. The school board will hold a board meeting within **20 calendar days** after receipt of the IHE’s recommendation. The Board will announce their decision not later than **10 calendar days** after the date of the board meeting. (Texas Education Code § 21.258)
6. Teachers can appeal the decision to the Commissioner. (See Instructions on Appeal IHE and Board Decision to the Commissioner, Petition for Review).

Appeals of the Independent Hearing Examiner Decision before the Commissioner of Education Procedural Process

Petition for Review

(Texas Education Code § 21.301)

After a decision has been announced **not** to renew the teacher's contract, the teacher may appeal the decision by filing a Petition for Review with the Commissioner of Education

How to File a Petition for Review?

The Petition for Review must be filed with TEA not later than **20 calendar days** after the teacher received the board decision. The Petition for Review can be filed by fax, hand delivery, first class mail, or overnight delivery. Petitions filed by fax shall not exceed 50 pages. If your petition is larger than 50 pages, there is no guarantee that the division will have received the entire filing, therefore, it will be the Petitioners responsibility confirm. The Petition for Review must include a certificate of service showing a courtesy copy was sent to the school district. (Texas Education Code § 21.301(a))

What Should I Include in my Appeal?

You may only consider the appeal based on the local record and may not consider any additional evidence or issues.

How Long Does the Appeal Process Take?

The appeal process takes at least 62 days.

Can I appeal the Commissioner Decision?

Yes. Parties can file a motion for rehearing with the Commissioner or appeal the matter to a district court in the county in which the district's central administrative office is located or Travis County District Court, if by agreement of all parties.

A motion for rehearing must be filed no later than **20 calendar days** after the date the party receives the commissioner's decision. (Texas Education Code § 21.3041(a). The motion for rehearing is denied by operation of law if the commissioner does not issue an order before 45 calendar days from receipt of the notice of rehearing. (Texas Education Code § 21.305(c).

Either party may appeal the Commissioner's Decision to the District Court. The appeal must be filed no later than **30 calendar days** after the party receives notice of the Commissioner's Decision or the date on which the request for rehearing is denied. (Texas Education Code § 21.307).