

Texas Education Agency

Review Process for School Discrimination Complaints

Statutory Requirement

Pursuant to 20 USC 7844, Sec 9304 (a)(3)(C), of the *ESEA*, the Texas Education Agency (TEA) implements 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 educational programs and services. Pursuant to Section 9306 of the No Child Left Behind Act, a local education agency (such as a public charter or school district) 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 educational programs and services.

Federal – level Complaint Process

Office for Civil Rights (OCR) <http://www2.ed.gov/about/offices/list/ocr/know.html>

OCR is the agency authorized to enforce several Federal civil rights laws that prohibit discrimination in programs or activities that receive Federal funds from the Department of Education. OCR enforcement offices are responsible for investigating and resolving complaints of discrimination, conducting compliance reviews, monitoring corrective action agreements, and providing technical assistance.

- [Sex Discrimination](#)
- [Race and National Origin Discrimination](#)
- [Age Discrimination](#)
- [Disability Discrimination](#)
- [Boy Scouts of America Equal Access Act](#)

These laws prohibit discrimination on the basis of race, color, and national origin, sex, disability, and on the basis of age. These laws extend to all state education agencies, elementary and secondary school systems, colleges and universities, vocational schools, proprietary schools, state vocational rehabilitation agencies, libraries, and museums that receive U.S. Department of Education funds. OCR also has responsibilities under Title II of the Americans with Disabilities Act of 1990 (prohibiting disability discrimination by public entities, whether or not they receive federal financial assistance). In addition, as of January 8, 2002, OCR enforces the Boy Scouts of America Equal Access Act (Section 9525 of the *ESEA* of 1965, as amended by the NCLB of 2001).

OCR Toll-free Customer Service: 800-421-3481 | <http://www.ed.gov/ocr>

TDD: 877-521-2172 | Fax: 202-245-6840

OCR Complaint Process <http://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>

Complaints about Texas schools are handled by OCR's Dallas Regional Office:

Office for Civil Rights, **Dallas Office**

U.S. Department of Education

1999 Bryan St., Suite 1620

Dallas, TX 75201-6810

TEL 214-661-9600 • FAX 214-661-9587 • EMAIL OCR.Dallas@ed.gov

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District-level Review

Complaints originating at the school level are filed, in writing, in accordance with the public charter or school district's complaint policy and procedures. If the complainant has tried to file a complaint at the local level and the district does not accept the complaint, the complainant must provide TEA with written documentation of their attempt to resolve the issue at the local level.

A full explanation and copy of the district's complaint policies and procedures are available from the principal or superintendent's office or the district's website.

State-level Review

What is a state-level complaint?

The complainant has the right to file a federal-level complaint with OCR at any time. A person is not required to file a complaint at the state-level prior to filing a complaint with OCR. The purpose of a state-level review is for TEA to ensure that the public charter or school district accepts and investigates complaints concerning educational programs and services.

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. Complainant contact information, including mailing address.
2. Name of the public charter or school district.
3. The district's local level resolution, letter of findings, or investigation report.
4. The final written decision of district's board of trustees.
5. A statement that the school has violated a Federal non-discrimination law that applies to schools.
6. Whether a complaint has been filed with any other government agency, and if so, which agency.

Where to send a complaint to TEA?

Complaints Management
Texas Education Agency
1701 N. Congress Avenue
Austin, Texas 78701
FAX (512) 463-9008
EMAIL complaintsmanagement@tea.state.tx.us

What is a state-level review?

If the complaint does not include a copy of the district's investigation report or complaint resolution, the TEA will forward the complaint and associated documentation to the attention of the district's superintendent within 10 working days. TEA will request the district accept and resolve the complaint in accordance with local policies and inform the complainant and TEA of the resolution.

If the district's investigation report or letter of findings is included, the TEA will acknowledge receipt within 10 working days. TEA will review the documentation for the purposes of ensuring

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that the district has investigated the complaint. TEA will encourage the complainant and district staff to continue their efforts in resolving the complaint locally.

Additional Complaint Resolution Avenues

However, if the complainant continues to be aggrieved by the district's determinations and requests further investigation, TEA will refer the complainant to OCR for a federal – level investigation and resolution. If the complainant requests to appeal the district's board of trustees' final decision to the TEA, TEA will inform the complainant of the appeal process under Chapter 7 of the Texas Education Code.