

Texas Education Agency Review Process for Local Grievance Process

Statutory Requirement

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 judgment 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.

TEA encourages and supports parents and school staff in their efforts to reach a resolution locally. If informal means are not successful, you may initiate the formal process described below by timely filing a formal **written complaint form**.

Important Notes:

- (1) **Please access the specific District or Charter's local formal complaint process and follow the steps outlined in the board policy manual.**
- (2) **Please pay special attention to the school district or charter school's timelines in order to file your complaint in a timely manner.**

Local Employment Issues

Allegations relating to employment issues do not fall within the jurisdiction of TEA. Allegations related to local employment issues should be filed directly with the school district/charter through the school district's/charter's employee grievance process

GENERAL OVERVIEW OF LOCAL GRIEVANCE PROCESS

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 you will need to request these from the District or Charter (if required by local policy). You may also include any other supporting documentation relating to your complaint.

Level Two – Superintendent or Superintendent's Designee

If you did not receive the relief requested at Level One or if the time for a response has expired, you 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). You should include your original complaint form and all other documents you had submitted and received at Level One. You may also include any other supporting documentation relating to your complaint.

Level Three – School Board of Trustees or Charter School Board

If you did not receive the relief requested at Level Two or if the time for a response has expired, you 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). You should include your original complaint form and all other documents you had submitted and received at Level One and Level Two. You may also include any other supporting documentation relating to your complaint.

Should you have additional questions regarding the procedures for filing a local grievance, please feel free to contact the TEA's Complaints Management Team at complaintsmanagement@tea.texas.gov

Appeal to the Commissioner of Education

If after exhausting the local grievance process (Levels One-Three) you are still aggrieved by the school district's decision, you may file an appeal in writing to the Commissioner of Education under TEC §7.057 (<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.7.htm#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 you believe your appeal is governed by this statute, you have **45 calendar days** from the date the decision was communicated to you to file a Petition for Review in writing with the Commissioner.

Please read Chapter 157 Texas Administrative Code, in particular Subchapters AA and BB, to find out where and how to file your appeal (<http://ritter.tea.state.tx.us/rules/tac/chapter157/index.html>).

Please pay special attention to the deadlines in order to file your documents in a timely manner.

Should you have additional questions regarding the procedures for filing an appeal, please feel free to contact the **Office of Legal Services at (512) 463-9720**.