

Education Policy and Leadership Complaint Procedures and Policy  
December 1, 2015

COMPLAINTS	In this policy, the terms “complaint” and “grievance” shall have the same meaning.
GUIDING PRINCIPLES INFORMAL PROCESS	EPL encourages interns to discuss their concerns and complaints through informal conferences with their program staff.  Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.
FORMAL PROCESS	If an informal conference regarding a complaint fails to reach the outcome requested by the candidate, he or she may initiate the formal process described below by timely filing a written complaint form.  Even after initiating the formal complaint process, a candidate is encouraged to seek informal resolution of his or her concerns. A candidate, whose concerns are resolved, may withdraw a formal complaint at any time.
GENERAL PROVISIONS FILING	Complaint forms and appeal notices may be filed by hand-delivery, email, fax, or U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Emails shall be timely filed if they are date and time marked on or before the deadline. Fax filings shall be timely filed if they are received on or before the deadline, as indicated by the date/time shown on the fax copy. Mail filings shall be timely filed if they are postmarked by U.S. Mail on the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.
RESPONSE	At Levels One and Two, “response” shall mean a written communication to the candidate from the appropriate EPL staff. Responses may be hand-delivered or sent by U.S. Mail or emailed to the candidate’s email or mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on the deadline and received by the candidate no more than three days after the response deadline.
DAYS	“Days” shall mean program business days. In calculating time lines under this policy, the day a document is filed is “day zero,” and all deadlines shall be determined by counting the following day as “day one.”
GENERAL PROVISIONS	Complaints arising out of an event or a series of related events shall be addressed in one complaint. Candidates shall not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

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	<p>When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the program may consolidate the complaints.</p>
UNTIMELY FILINGS	<p>All time limits shall be strictly followed unless modified by mutual written consent.</p> <p>If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the candidate, at any point during the complaint process. The candidate may appeal the dismissal by seeking review in writing within ten business days, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.</p>
COSTS INCURRED	<p>Each party shall pay its own costs incurred in the course of the complaint.</p>
COMPLAINT FORM	<p>Complaints under this policy shall be submitted in writing on a form provided by the program.</p> <p>Copies of any documents that support the complaint should be attached to the complaint form. If the candidate does not have copies of these documents, he/she may be presented at the Level One conference. After the Level One conference, no new documents may be submitted unless the candidate did not know the documents existed before the Level One conference.</p> <p>A complaint form that is incomplete in any material aspect may be dismissed, but it may be refiled with all the requested information if the refiling is within the designated time for filing a complaint.</p>
AUDIO RECORDING	<p>As provided by law, a candidate shall be permitted to make an audio recording of a conference under this policy at which the substance of the candidate's complaint is discussed. The candidate shall notify all attendees present that an audio recording is taking place.</p>
LEVEL ONE	<p>Complaint forms must be filed:</p> <ol style="list-style-type: none"><li>1. Within 15 days of the date the candidate first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and</li><li>2. With the direct supervisor.</li></ol> <p>The direct supervisor shall hold a conference with the candidate within ten days after receipt of the written complaint.</p> <p>The direct supervisor shall have ten days following the conference to provide the candidate a written response.</p>

LEVEL TWO

If the candidate did not receive the relief requested at Level One or if the time for a response has expired, the candidate may appeal the decision to the program's legal authority.

The appeal notice must be filed in writing, on a form provided by the program, within ten days after receipt of a response or, if no response was received, within ten days of the response deadline at Level One.

The program's legal authority or designee shall inform the candidate of the date, time, and place of the meeting at which the complaint will be discussed.

The direct supervisor shall provide the program's legal authority with copies of the complaint form, the response at Level One, the appeal notice, and all written documentation previously submitted by candidate. The program's legal authority shall consider only those issues and documents presented at the preceding level and identified in the appeal notice.

The program's legal authority must provide written notice of the decision to the candidate.

The EPL must retain information concerning the complaint for a minimum of three years.

After the candidate has exhausted all attempts at the program level to resolve a complaint that occurred within the past two years and has not received the relief sought, information on how to file a complaint with TEA can be secured from the EPL by information posted at their physical facility, on their website or, upon request, directions in writing.

LEVEL THREE

The official TEA complaint process can be found at [www.tea.texas.gov](http://www.tea.texas.gov) in the banner located at the bottom of the page and then select "Educator Preparation Programs".

The complaint process allows for an applicant or a candidate in an educator preparation program to seek redress in areas where they feel that the program did not fulfill requirements for certification or for actions that the candidate feels are wrong. Educator preparation programs may also file a complaint about the actions of other programs when it involves a candidate transferring into a program.

Not all complaints fall under the authority of TEA. TEA has jurisdiction to investigate allegations of noncompliance regarding specific laws and rules, generally related to state and federal requirements. Complaints may address educator preparation program requirements listed in Texas Administrative Code (TAC) in Chapters 227,

228, 229, ethics (TAC 247), fingerprinting (TAC §§227,232) and certification (TAC §§230, 231, 232, 239, 241, 242)

All complaints filed with the TEA must be in writing. We do not accept complaints by phone or complaints that are submitted anonymously. A person or entity may file a written complaint with TEA by filling out the [complaint form](#) online or by mailing or faxing a hard copy to the address on the form. You may fax your submission to (512) 463-9008 or email it to [generalinquiry@tea.texas.gov](mailto:generalinquiry@tea.texas.gov).

To adequately review and address a complaint, TEA needs specific details. We must be able to identify a clear violation of TAC and determine whether the agency has authority to act upon the allegation.

Complaints submissions should include the following:

- The reasons you believe the issues raised in your complaint are valid. You should also indicate how you believe that TEA can assist you with this matter. Remember that TEA cannot assist you in understanding your contractual arrangement with the educator preparation program, arranging for a refund, obtaining a higher grade or credit for training, or seeking reinstatement to an educator preparation program.
- Documentation to support your claim when possible. For example, if you refer in your complaint to an educator preparation program policy, include a copy of the policy with your complaint. Helpful documentation might include letters or e-mails exchanged between the parties.

Texas Education Agency staff will send confirmation of a complaint within 30 days of receiving the submission. Remember, information the public sends to TEA by email may not be secure. Do not email sensitive information to TEA. The agency will remove confidential or sensitive information when replying by email. TEA will maintain confidentiality of information to the extent the law allows.

**TEXAS ADMINISTRATIVE CODE §228. 70**