

Chapter 228. Requirements for Educator Preparation Programs

Subchapter G. Complaints and Investigations

§228.121. Complaints and Investigations Procedures.

- (a) Purpose. An applicant for candidacy in an educator preparation program (EPP), an employee or former employee of an EPP, a cooperating teacher, a host teacher, a mentor, a site supervisor, or an administrator in a public or private school that serves as a site for clinical teaching, residency, internship, or practicum experiences may submit a complaint about an EPP for investigation and resolution.
- (b) Complaint form. Texas Education Agency (TEA) staff shall develop a complaint form to standardize information received from an individual making a complaint against an EPP. The complaint form shall be available on the TEA website. All complaints filed against an EPP must be in writing on the complaint form. The written complaint must clearly state the facts that are the subject of the complaint and must state the measures the complainant has taken to attempt resolution of the complaint with the EPP. Anonymous complaints may not be investigated.
- (c) Processing the complaint.
 - (1) TEA staff shall record all complaints in the TEA complaints tracking system. Each complaint, no matter the severity, shall be assigned a tracking number.
 - (2) The complaint shall be forwarded to the division responsible for educator preparation for further action, including assessing the complaint, providing a severity status and prioritizing the complaint accordingly, and determining jurisdiction.
 - (3) If TEA staff determines that the complaint is not within the State Board for Educator Certification's (SBEC's) jurisdiction, TEA staff shall notify the complainant that the complaint will be closed without action for lack of jurisdiction. TEA staff and the SBEC do not have jurisdiction over complaints related to contractual arrangements with an EPP, commercial issues, obtaining a higher grade or credit for training, or seeking reinstatement to an EPP.
 - (4) If TEA staff determines the complainant knew or should have known about the events giving rise to a complaint more than two years before the earliest date the complainant filed a complaint with either TEA staff or the EPP, TEA staff may close the complainant without action.
 - (5) If a complainant has not exhausted all applicable complaint and appeal procedures that the EPP has established to address complaints, TEA staff may delay initiating an investigation until the EPP's complaint and appeal process is complete.
- (d) Investigating the complaint.
 - (1) If TEA staff determines a complaint is within the SBEC's jurisdiction, TEA staff shall notify the respondent EPP that a complaint has been made, provide a summary of the allegations in the complaint, and request that the EPP respond to the complaint.
 - (2) TEA staff may request additional information from the individual and from the EPP.
 - (3) An EPP shall:
 - (A) cooperate fully with any SBEC investigation; and
 - (B) respond within 10 business days of receipt to requests for information regarding the complaint(s) and other requests for information from the TEA, except where:
 - (i) TEA staff imposes a different response date; or
 - (ii) the EPP is unable to meet the initial response date and requests and receives a different response date from TEA staff.

- (C) If an EPP fails to comply with this paragraph, the SBEC may amend the complaint to reflect the violation and may deem admitted the violation of SBEC rules and/or Texas Education Code (TEC), Chapter 21, alleged in the original complaint.
- (4) Resolving the complaint.
 - (A) Upon completion of an investigation, TEA staff shall notify both the individual and the EPP in writing of the findings of the investigation. If TEA staff finds that a violation occurred, the notice shall specify the statute and/or rule that was alleged to have been violated.
 - (B) Each party shall have 10 business days to present additional evidence or to dispute the findings of the investigation.
 - (C) After reviewing any additional evidence, if TEA staff finds that no violation has occurred, TEA staff shall close the investigation and notify both parties in writing.
 - (D) After reviewing any additional evidence, if TEA staff finds that the EPP has violated SBEC rules and/or TEC, Chapter 21, the following provisions apply.
 - (i) TEA staff shall notify the EPP in writing and specify for each violation the seriousness and extent of the violation, including whether the EPP has been found to have violated that statute and/or rule previously.
 - (ii) Within 10 business days of TEA staff notifying the EPP in writing that a violation has occurred, the EPP and TEA staff shall agree to a timely resolution of each violation. If the parties cannot agree on a resolution within 10 business days, TEA staff shall unilaterally propose a resolution and timeline.
 - (iii) If the EPP complies with the agreed or proposed resolution, the investigation is closed and the results recorded in accordance with subparagraph (E) of this paragraph. TEA staff shall provide the EPP written notice that the investigation is closed.
 - (iv) If the EPP does not comply with the agreed or proposed resolution within the timelines set out in the resolution, TEA staff shall make a recommendation that the SBEC impose sanctions affecting the EPP's accreditation status in accordance with §229.5 of this title (relating to Accreditation Sanctions and Procedures) and/or continuing approval status in accordance with §229.6 of this title (relating to Continuing Approval). The SBEC's decision shall be recorded in accordance with subparagraph (E) of this paragraph.
 - (v) The EPP shall be entitled to an informal review of the proposed recommendation for sanctions under the conditions and procedures set out in §229.7 of this title (relating to Informal Review of Texas Education Agency Recommendations).
 - (E) The final disposition of the complaint shall be recorded in the TEA complaints tracking system.

Statutory Authority: The provisions of this §228.121 issued under the Texas Education Code, §§21.003(a); 21.031; 21.041(b)(1)-(4); 21.044; 21.0441; 21.0442(c); 21.0443; 21.045(a); 21.0452; 21.0453; 21.0454; 21.0455; 21.046(b) and (c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); 21.04891; 21.049(a); 21.0491; 21.050(a)-(c); and 21.051; and the Texas Occupations Code, §55.007.

Source: The provisions of this §228.121 adopted to be effective September 1, 2024, 49 TexReg 3531.

§228.123. Educator Preparation Program Responsibilities for Candidate Complaints.

- (a) The educator preparation program (EPP) shall adopt and send to Texas Education Agency (TEA) staff, for inclusion in the EPP's records, a complaint procedure that requires the EPP to timely attempt to resolve complaints at the EPP level before a complaint is filed with TEA staff.

- (b) The EPP shall post on its website a link to the TEA complaints website and information regarding how to file a complaint under the EPP's complaint policy.
- (c) The EPP shall post a notification at all of its physical site(s) used by employees and candidates, in a conspicuous location, information regarding filing a complaint with TEA staff in accordance with §228.121(b) of this title (relating to Complaints and Investigations Procedures).
- (d) Upon request of an individual, the EPP shall provide information in writing regarding filing a complaint under the EPP's complaint policy and the procedures to submit a complaint to TEA staff in accordance with §228.121(b) of this title.

Statutory Authority: The provisions of this §228.123 issued under the Texas Education Code, §§21.003(a); 21.031; 21.041(b)(1)-(4); 21.044; 21.0441; 21.0442(c); 21.0443; 21.045(a); 21.0452; 21.0453; 21.0454; 21.0455; 21.046(b) and (c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); 21.04891; 21.049(a); 21.0491; 21.050(a)-(c); and 21.051; and the Texas Occupations Code, §55.007.

Source: The provisions of this §228.123 adopted to be effective September 1, 2024, 49 TexReg 3531.