



# CHAPTER 26A GRIEVANCES

Presented by:

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# What We Will Cover Today

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01

## Policy Requirements

Covering purpose, background, and scope of SB 12 and 26A Grievance Policies

02

## Timelines

Detailing core policies, due process, and procedural mandates

03

## Miscellaneous Provisions

Including deadlines, reporting, TEA/TASB insights, and impacts

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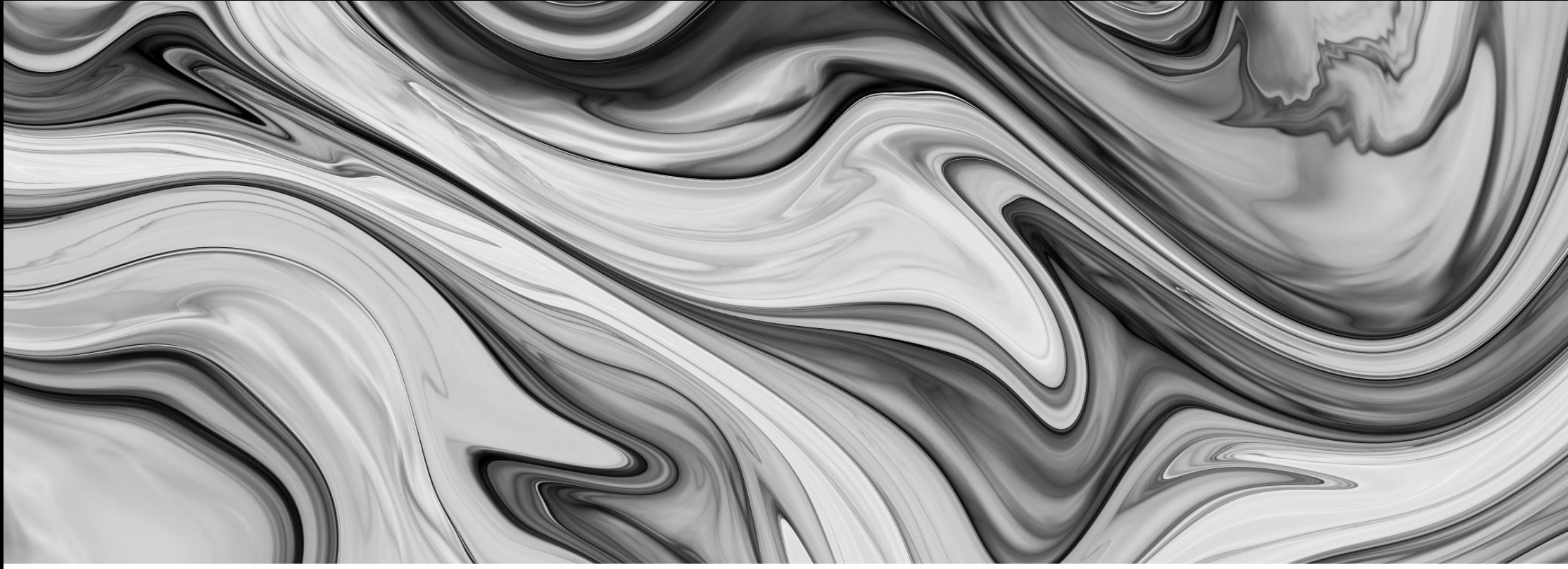
## DOI Opt-Out Options

Exploring opt-out options, risks, framework, checklist, and summary

### Key Context

SB 12 creates an entirely new chapter in the Education Code focused on grievance procedures.

While legislative history suggests focus on parent-student grievances, TASB policies may extend to employee and public grievances



# POLICY REQUIREMENTS UNDER 26A



# Required Levels of Review

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## LEVEL I

**Campus Principal**

- Or central office admin for non-campus issues

## LEVEL II *(Optional)*

**Central Office Admin**

- If established by policy

## LEVEL III

**Superintendent**

- Or superintendent's designee

## LEVEL IV

**Board of Trustees**

- Final district-level appeal
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# Required Levels of Review

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## Authority Requirement

- ❑ Each reviewer must have authority to address the grievance (unless conducting preliminary hearing for record development)

## Board Delegation Option

- ❑ Board may delegate to committee of at least 3 trustees.
- ❑ Committee decision = Board decision for §7.057 appeals.

## Remand Authority

- ❑ Any level may remand to lower level to develop the record, including from board level.
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# Recusal & Anti-Retaliation

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## Mandatory Recusal

§26A.001(e)(2)-(3)

- ❑ Any person who is the **subject of a grievance** must recuse themselves from reviewing it.
- ❑ This applies **regardless of the issue** being grieved.
- ❑ Policy must provide for **automatic escalation** to higher level when recusal occurs.

**Practical concern:** If superintendent is the subject, grievance goes directly to board — board then both hears evidence and decides.

## Anti-Retaliation

§26A.001(e)(1), (i)

- ❑ Policy must prohibit retaliation against students, parents, or persons in parental relation who file grievances.
- ❑ Board members may file grievances but **cannot vote** on matters related to their own grievance.

**Enforcement:** If Commissioner finds retaliation occurred, educator may be reported to SBEC for investigation.

# Record Requirements

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## Record Creation & Retention

Must create and retain record of each hearing including:

- ❑ All documents submitted by grievant
- ❑ Documents deemed relevant by district
- ❑ Written decision with explanation
- ❑ Indication of documents supporting decision

## Right to Supplement Record

- ❑ Grievant may add additional documents and add additional claims at any level.

**Note:** No statutory limitation on when this can occur.  
Allowed even at board hearing.

# Grievant Rights

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## Misfiled Grievances

- ❑ District must redirect misfiled grievances to correct administrator.
- ❑ Filing date is preserved and counts from original submission.

## Decision on the Merits Required

- ❑ District must issue decision on merits notwithstanding:
  - Procedural errors by grievant
  - Type of relief requested

**Impact:** Must rule even on late-filed grievances or impossible relief requests.

# Board-Level Hearing Requirements

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## 5 Business Days Notice

- ❑ Grievant must receive description of any information the board intends to rely on that is not already in the record at least **5 business days** before the meeting.

## REC Recording Required

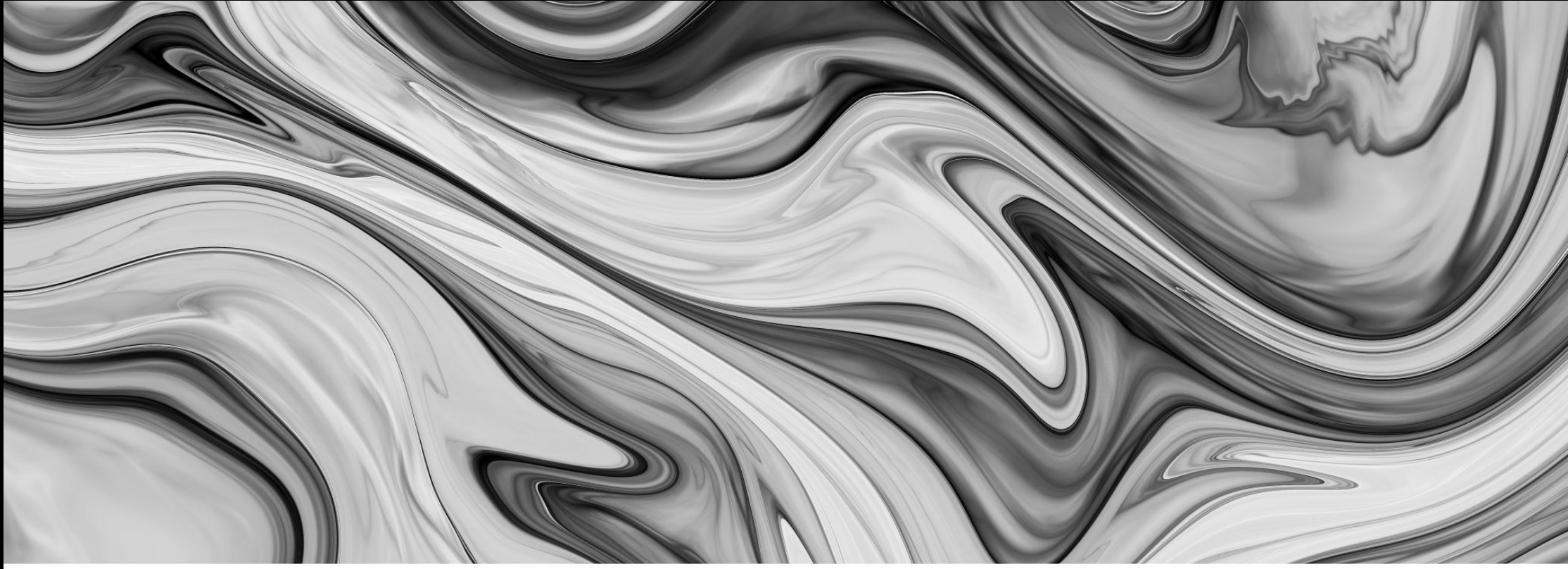
- ❑ Meeting must be recorded by video, audio, or transcript created by a certified court reporter.

## Open vs. Closed Hearings

- ❑ Unless otherwise **required** by law, the grievant chooses whether the hearing is open or closed. Note the statute says "required," not "permitted."

## Practical Concern

- ❑ Texas Gov't Code §§551.074 and 551.082 only *permit* closed sessions on personnel matters but don't *require* them.
- ❑ A grievant could force an open hearing even when employee accusations are involved.



# TIMELINES



# Filing Deadlines for Parents

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## STANDARD FILING

**60** days

From the date the parent knew or had reason to know of the facts giving rise to the grievance.

## AFTER INFORMAL RESOLUTION ATTEMPTS

The later of:

**90**

days from  
knowledge

OR

**30**

days from filing  
info provided

**20** days

### Appeal Deadline

To file an appeal after any decision — applies at all levels

# District Response Timelines

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## Non-Board Hearings

Levels I, II, III

**10** days

to hold hearing after grievance/appeal filed

**20** days

to issue written decision after hearing

**Decision must include:** Relief to be provided and information on how to appeal (including §7.057 rights if applicable)

## Board-Level Hearings

Level IV

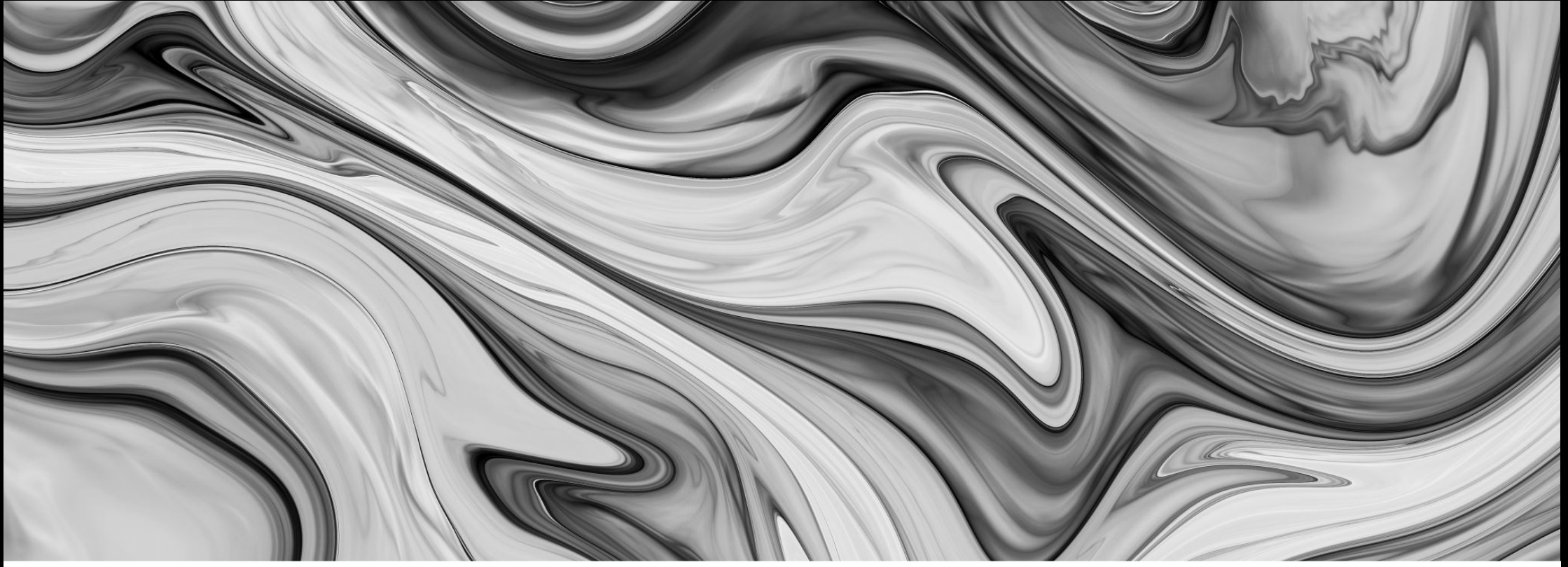
**60** days

to hold meeting after previous decision

**30** days

to issue decision after meeting

**Note:** Longer timeline than many current policies — up to 90 days total at board level



# MISCELLANEOUS PROVISIONS

# Posting & Reporting Requirements

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## Website & Handbook Posting

§26A.003

Must post in **prominent location** on website and include in student handbook:

- Grievance resolution procedures
- Standardized forms (grievance, appeal, hearing request)
- Method for electronic filing

**Must allow:** Electronic submission directly from website location where info is posted.

**Report to TEA:** Submit website location where grievance info is posted.

## Annual Reporting to TEA

§26A.001(g)-(h)

### District Report Must Include:

- Resolution of each grievance
- Corrective actions taken

### TEA Statewide Report (by Dec 1):

- Number of grievances filed
- Number resolved and how
- Corrective actions taken

# Enforcement & Accountability

## Commissioner's Authority on §7.057 Appeals

When a grievance is appealed to the Commissioner, the Commissioner may:

- Investigate alleged FERPA and confidentiality violations
- Collaborate with relevant federal agencies
- Compel district compliance with confidentiality laws

## Extracurricular Grievances

Current law allows boards to decline extracurricular grievances.

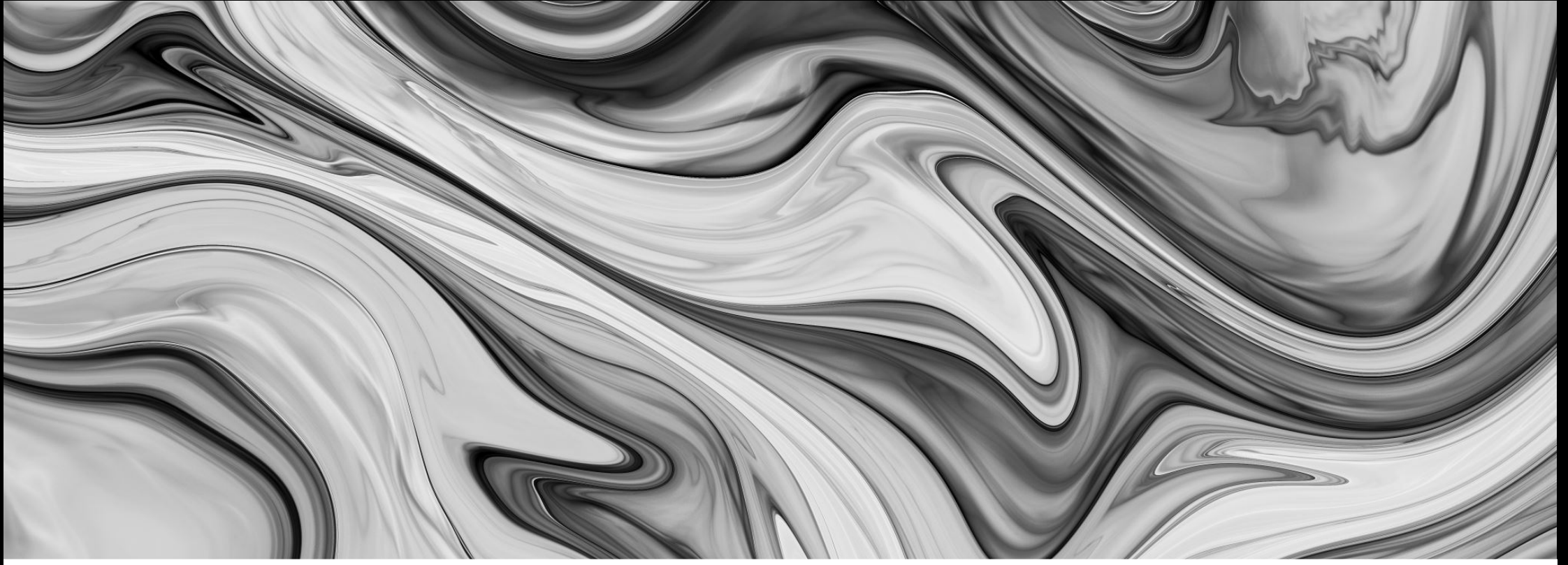
**SB 12 Change:** If grievance involves local policy violation, the board must consider it.

**5+**

## SBOE Testimony Requirement (§26A.004)

If the Commissioner finds against a district in **5 or more** grievances under §7.057 in a school year, the superintendent must appear before the State Board of Education.

**Note:** SBOE has no authority to sanction the district.



# DISTRICT OF INNOVATION OPT-OUT?



# DOI Opt-Out Framework

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**Key Principle:** Districts of Innovation may opt out of any or all of Chapter 26A grievance requirements by amending their Innovation Plans.

## Total Opt-Out

- ❑ Exempt from all Chapter 26A requirements.
- ❑ Continue using existing grievance procedures.

## Selective Opt-Out

- ❑ Choose specific provisions to exempt while complying with others.
- ❑ Target specific requirements for your district.

# Selective Opt-Out Options

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## Record Requirements

§26A.001(e)(4) requires detailed explanation and document support indication. Opt-out returns to standard board decision format.

## Supplementing Record

§26A.001(e)(5) allows unlimited additions. Opt-out allows new evidence/claims only as permitted by hearing officer.

## Open/Closed Hearings

§26A.001(e)(10) gives grievant control. Opt-out retains district discretion, especially for personnel-related grievances.

## Procedural Requirements

§26A.001(e)(9) requires merits decision despite errors. Opt-out preserves ability to enforce reasonable procedures.

## Expanded Timelines

§26A.002 timelines may be hard to meet with unlimited supplementation. Opt-out allows workable deadlines.

## Automatic Escalation

§26A.001(e)(2)-(3) sends superintendent grievances to board. Opt-out could allow independent hearing officer.

Any  
1.1  
Questions

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