



## Resolving Grievances

Published online in [TASB School Law eSource](#)

School districts often must address grievances brought by employees, students, parents, and community members. The complexity of the issues may vary but by gaining a basic understanding of what constitutes a grievance and developing and enforcing sound grievance procedures, administrators and board members may effectively resolve the complaints as they arise.

### ***What is a grievance?***

Virtually any topic can be the subject of a grievance. The terms *complaint* and *grievance* have the same meaning. No limits exist to the topics that can be the subject of a grievance. School district policy may consolidate or streamline grievances, and certain complaints may be governed by other district policies, but all remaining complaints may be brought under one of the district's general grievance policies.

**State law and local policy allow grievance policies to be interpreted broadly:** Texas Government Code section 617.005 protects an employee's right to redress of grievances. Section 617.005 has been construed broadly to include evaluations, salary disputes, grading policies, sick leave, and "any other matter which is appropriate for communications from employees to employer concerning an aspect of their relationship." Tex. Att'y Gen. Op. No. JM-177 at 3 (1984).

For example, a complaint under TASB Policy DGBA(LOCAL) may include grievances concerning an employee's wages, hours, or conditions of work. An employee grievance may also include complaints arising from the dismissal or termination of an at-will employee.

### ***Must school boards hear grievances?***

Federal and state law require school districts to have a grievance process.

**For all citizens, including employees:** Federal and state law require that districts address all citizens' grievances.

- **U.S. Constitution:** The U.S. Constitution grants citizens the right to petition the government for redress of grievances. U.S. Const. Amend. I, XIV.

- **Texas Constitution:** The Texas Constitution grants citizens the right to assemble for their common good and the right to apply to those invested with the powers of government for the redress of grievances. Thus, a school district must provide parents, students, employees, and the general community the opportunity to have their complaints and concerns heard by those in positions of authority. Tex. Const. art. I, § 27.

**Especially for employees:** Certain state laws specifically address an employee’s right to present grievances.

- **Texas Government Code:** Texas Government Code section 617.005 prohibits collective bargaining and strikes by public employees, but it preserves the right to redress of grievances. “This chapter does not impair the right of public employees to present grievances concerning their wages, hours of employment, or conditions of work either individually or through a representative that does not claim the right to strike.” Tex. Gov’t Code § 617.005. A district cannot attempt to eliminate these rights through its employment contracts. *Wooden v. Lewis*, Tex. Comm’r of Educ. Decision No. 071-R3-605 (Aug. 13, 2007).
- **Texas Education Code:** Under Texas Education Code section 11.1513(i), a school district’s employment policy must permit each employee to present grievances to the board. Tex. Educ. Code § 11.1513(i).

### ***How does a grievance process benefit school districts?***

A grievance process provides for quick resolution of complaints, effective risk management, and exhaustion of administrative remedies.

**Quick resolution:** The grievance process is designed to promote resolution of complaints at the lowest possible level, at the earliest time, before disputes evolve and parties harden their positions. Many times a grievant will be satisfied after being assured that the concerns were heard and that the district had legitimate reasons for its actions.

**Effective risk management:** The grievance process affords the school district an opportunity to correct any errors it may have made and to resolve disputes before facing litigation, the cost of which is borne ultimately by the public. *Fort Bend Indep. Sch. Dist. v. Rivera*, 93 S.W.3d 315 (Tex. App.—Houston [14th Dist.] 2002, no pet.).

**Exhaustion of administrative remedies:** Some laws require that a potential plaintiff first exhaust the district’s local grievance procedure before filing a lawsuit against the district or a district employee. *See, e.g.*, Tex. Gov’t Code § 554.006 (Texas Whistleblower Act claims); Tex. Educ. Code § 22.0514 (suits against “professional employees” of a school district). *See also Davis v. Dallas County Sch.*, No. 05-07-00822-CV, 2008 WL 2426670 (Tex. App.—Dallas June 17, 2008, no pet. h.) (upholding dismissal of workers’ compensation retaliation claim for failure to

exhaust administrative remedies through a grievance); *Harlandale Indep. Sch. Dist. v. Rodriguez*, 121 S.W.3d 88 (Tex. App.—San Antonio 2003, no pet.) (dismissing employment-related claims against a school district because the plaintiff failed to file a grievance).

### ***What policies apply to grievances?***

Districts with policy manuals through TASB Policy Service have three separate grievance policies:

- **DGBA(LOCAL)** for employee grievances;
- **FNG(LOCAL)** for student and parent grievances; and
- **GF(LOCAL)** for grievances by all others, including vendors and taxpayers.

Certain complaints require specific resolution processes that are described in other policies. For example, complaints alleging certain forms of harassment are processed in accordance with TASB Policies DIA (for employees) and FFH (for students). Complaints arising from the proposed nonrenewal of a term contract are governed by TASB Policy DFBB, while complaints arising from the proposed termination or suspension without pay of an employee on a probationary, term, or continuing contract are governed by DFAA, DFBA, or DFCA, respectively. TASB Policies DGBA(LOCAL) and FNG(LOCAL) provide a complete list of alternative resolution processes that are exceptions to the process at DGBA and FNG, respectively.

TASB Policies DGBA(LOCAL), FNG(LOCAL), and GF(LOCAL) provide for a three-level process, with Level Two being to the superintendent or a designee. Local policies may differ. Smaller districts with only one campus often provide for a two-level process. Larger districts may elect to use a four-level process, with the Level Three hearing before a hearing officer or board committee.

This document is continually updated, and references to online resources are hyperlinked, at [tasb.org/services/legal-services/tasb-school-law-esource/personnel/documents/resolving-grievances.pdf](https://tasb.org/services/legal-services/tasb-school-law-esource/personnel/documents/resolving-grievances.pdf). For more information on this and other school law topics, visit TASB School Law eSource at [schollawesource.tasb.org](https://schollawesource.tasb.org).

*This document is provided for educational purposes only and contains information to facilitate a general understanding of the law. It is neither an exhaustive treatment of the law on this subject nor is it intended to substitute for the advice of an attorney. It is important for the recipient to consult with the district's own attorney in order to apply these legal principles to specific fact situations.*

*Updated October 2019*