

When Schools Get An Eviction Notice: Administrative and Judicial Remedies

CHRISTOPHER L. TRITICO
J. ROSS MITCHELL
TRITICO RAINEY PLLC
HOUSTON, TEXAS

Introduction

- **How do you decide what action to take following an adverse decision by the Commissioner?**
 - The proper procedure is dependent upon the type of decision issued by the Commissioner.
 - The specific procedures can be found in the Texas Education Code and the Texas Administrative Code.
- **What is the timeline for taking action?**
 - Sooner rather than later
 - North Forest ISD did nothing early on which resulted in limited options later on

Brief Overview of Administrative Remedies

- **Challenging an Academic or Financial Accountability Rating**
 - Tex. Educ. Code §39.151
- **Record Review**
 - 19 Tex. Admin. Code §97.1037
- **Appeals**
 - Formal Review
 - × 19 Tex. Admin. Code §157.1131
 - Informal Review
 - × 19 Tex. Admin. Code §157.1121
 - Substantial Evidence Review
 - × 19 Tex. Admin. Code §157.1151
 - Arbitrary and Capricious or Clearly Erroneous Review
 - × 19 Tex. Admin. Code §157.1181

Challenging an Academic or Financial Accountability Rating

- **The Commissioner must provide rules describing the process to challenge an Academic or Financial Accountability decision**
 - Practice Tip: These rules either favor TEA or are drafted in a manner by which the Commissioner can interpret them against the district.
- **The Commissioner appoints a committee to make recommendations on the challenges to TEA's decision**
 - The Commissioner may not appoint a TEA employee to this committee
- **There may not be a hearing on your challenge**
 - Tex. Educ. Code §39.151(c) allows the Commissioner to limit a challenge to a written submission
- **The Commissioner will consider the recommendation of the committee and enter a final decision. This decision is not appealable.**
- **If the district or open-enrollment charter school could have challenged TEA's decision under Tex. Educ. Code §39.151, it may not challenge the rating in another proceeding**



RECORD REVIEW



Decisions that can be challenged in a Record Review

- Proposal to order alternative management of a district or charter school campus
- Closure of district campus or open-enrollment charter school campus
- Closure of a district or open-enrollment charter school
- Proposed assignment of Accredited-Warned or Accredited Probation
- Assignment of Board of Managers

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Also available as part of the eCourse

[Alternative School Issues: Home Schooling after Leeper; plus School District Governance Statutes](#)

First appeared as part of the conference materials for the
30th Annual School Law Conference session

"Who's in Control? Alternative School District Governance Statutes in the Texas Education Code"