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Robert Scott  
Commissioner

Notice of NCLB Complaint Investigation  
July 16, 2010

William F. McGrady, Education Program Specialist  
Instructional Change Group  
Student Achievement and School Accountability  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C., 20202

Lorenzo García, Ed.D.  
Superintendent of Schools  
El Paso Independent School District  
6531 Boeing Drive  
El Paso, TX 79925

On July 12, 2010, the Texas Education Agency (TEA) acknowledged the receipt of the July 7, 2010 complaint filed by the U.S. Department of Education concerning Bowie High School in the El Paso Independent School District (EPISD). The matters involve compliance with provisions under the *No Child Left Behind* (NCLB) Act. A full description of the complaint is enclosed for EPISD.

Authority

Pursuant to 20 USC 7844, Sec 9304 (a)(3)(C), of the *NCLB Act*, the TEA receives and resolves complaints alleging non-compliance with provisions under the *NCLB Act* (Public Law 107-110).

Allegation

The "EPISD 'disappeared' 55 percent of the students entering Bowie High School in 2007 through such means as transfers, deportation, sending students to charter schools, holding students back in 9<sup>th</sup> grade, or promoting students to the 11<sup>th</sup> grade." The complaint alleges that EPISD has taken these actions to "avoid sanctions, publicity, and enforcement actions under phase four of the *NCLB Act*."

Process

The appropriate TEA program staff reviews and investigates the complaint and relevant information. When the investigation is complete, the TEA notifies the complainant and the superintendent of the school or charter district in writing regarding the outcome of the investigation. The TEA issues its letter of findings within 60 days of receipt of the complaint, unless an extension is needed because of extenuating circumstances. If a violation has occurred, the TEA identifies and imposes the appropriate consequences or corrective actions as required by regulation to resolve the complaint or discrepancies.

Requested Information

As part of the investigation, TEA requests the EPISD to submit the following information:

1. All investigative findings and audit reports conducted by or on behalf of the EPISD pertaining to students who entered Bowie High School in 2007 and withdrew from/left Bowie High School.
2. For students who entered Bowie High School in 2007, provide all leaver documentation for those students who withdrew from/left Bowie High School in 2007 or 2008 to enroll in a public or private school outside Texas.
3. For students who entered Bowie High School in 2007, provide all leaver documentation for those students who withdrew from/left Bowie High School in 2007 or 2008 to return to family's home country.

The TEA will accept and review any other relevant information responsive to the allegation.

**Confidentiality**

Any confidential information, including information protected under the Family Educational Rights and Privacy Act (FERPA) must be transmitted in a secure manner. If information will be submitted by email, please contact the Office of Complaints and Special Investigations to access the TEA encrypted email service. Documents submitted to TEA will not be returned.

The TEA will require the requested information to be submitted no later than Friday, July 30, 2010. If additional time is needed, please contact me to request an extension.

Information may be submitted by secured email, fax, or mail to the following TEA office:

Emi Johnson, Director  
Complaints and Special Investigations  
Office of the Commissioner  
1701 N. Congress Avenue  
Austin, TX 78701-1491  
FAX 512.463.9342 | TEL 512.463-9008  
[complaintsmanagement@tea.state.tx.us](mailto:complaintsmanagement@tea.state.tx.us)

Your cooperation in resolving this matter is appreciated. If you have any questions, I can be reached directly at 512.463.9342.

Sincerely,



Emi Johnson  
Complaints and Special Investigations

cc: Laura Taylor, Associate Commissioner  
Accreditation, TEA

Dr. Criss Cloudt, Associate Commissioner  
Assessment, Accountability, and Data Quality, TEA

Dr. Ann Smisko, Associate Commissioner  
School Improvement and Support, TEA