Complaints

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

Informal Resolution

The Board encourages individuals to try to informally resolve concerns at the lowest possible level by discussing such concerns with the appropriate teacher, principal, or staff member. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level. If the concern cannot be resolved informally, a student or parent may file a formal complaint in accordance with this policy.

Other Complaint Processes

Student or parent complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with FNG after the relevant complaint process:

1. Complaints alleging discrimination or harassment based on race, color, religion, sex, gender, national origin, age, disability, or other protected characteristics [see FFH] shall be submitted in accordance with FFH.

2. Complaints concerning dating violence shall be submitted in accordance with FFH.

3. Complaints concerning retaliation related to discrimination and harassment shall be submitted in accordance with FFH.

4. Complaints concerning bullying or retaliation related to bullying shall be submitted in accordance with FFI.

5. Complaints concerning failure to award credit or a final grade on the basis of attendance shall be submitted in accordance with FEC.

6. Complaints concerning expulsion shall be submitted in accordance with FOD and the Student Code of Conduct.

7. Complaints concerning any final decisions of the gifted and talented selection committee regarding selection for or exit from the gifted program shall be submitted in accordance with EHBB.

8. Complaints concerning identification, evaluation, or educational placement of a student with a disability within the scope of Section 504 shall be submitted in accordance with FB and the procedural safeguards handbook.

9. Complaints concerning identification, evaluation, educational placement, or discipline of a student with a disability within the scope of the Individuals with Disabilities Education Act shall
be submitted in accordance with EHBAE, FOF, and the proced-
dural safeguards handbook provided to parents of all students
referred to special education.

10. Complaints concerning instructional resources shall be sub-
mitted in accordance with EF.

11. Complaints concerning a commissioned peace officer who is
an employee of the District shall be submitted in accordance
with CKE.

12. Complaints concerning intradistrict transfers or campus as-
ignment shall be submitted in accordance with FDB.

13. Complaints concerning admission, placement, or services
provided for a homeless student shall be submitted in accord-
ance with FDC.

Complaints regarding refusal of entry to or ejection from District
property based on Education Code 37.105 shall be filed in accord-
ance with this policy. However, the timelines shall be adjusted as
necessary to permit the complainant to address the Board in per-
son within 90 calendar days of filing the initial complaint, unless the
complaint is resolved before the Board considers it. [See GKA(LE-
GAL)]

The District shall inform students and parents of this policy through
appropriate District publications.

The Board encourages students and parents to discuss their con-
cerns with the appropriate teacher, principal, or other campus ad-
ministrator who has the authority to address the concerns. Con-
cerns should be expressed as soon as possible to allow early
resolution at the lowest possible administrative level.

Informal resolution shall be encouraged but shall not extend any
deadlines in this policy, except by mutual written consent. In the
event informal resolution has been attempted, but not resolved, the
15-day deadline referred to in this policy at “Level One” begins to
run when the student or parent first knew, or with reasonable dili-
gence should have known, of the decision or action giving rise to
the complaint or grievance.

A student or parent may initiate the formal process described be-
low by timely filing a written complaint form.

Even after initiating the formal complaint process, students and
parents are encouraged to seek informal resolution of their con-
cerns. A student or parent whose concerns are resolved may with-
draw a formal complaint at any time.
STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.

Freedom from Retaliation
Neither the Board nor any District employee shall unlawfully retaliate against any student or parent for bringing a concern or complaint.

General Provisions

Filing
Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

Scheduling Conferences
The District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If a student or parent fails to appear at a scheduled conference, the District may hold the conference and issue a decision in the student’s or parent’s absence.

Response
At Levels One and Two, “response” shall mean a written communication to the student or parent from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the student’s or parent’s email address of record, or sent by U.S. Mail to the student’s or parent’s mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

Days
Unless otherwise noted, “days” shall mean District business days on which school administrators are scheduled to report to work. In calculating timelines under this policy, the day a document is filed is “day zero.” The following business day is “day one.”

Representative
“Representative” shall mean any person who or organization that is designated by the student or parent to represent the student or parent in the complaint process. A student may be represented by an adult at any level of the complaint.

The student or parent may designate a representative through written notice to the District at any level of this process. If the student or parent designates a representative with fewer than three days’ notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if
desired, in order to include the District’s counsel. The District may be represented by counsel at any level of the process.

Consolidating Complaints

Complaints arising out of an event or a series of related events shall be addressed in one complaint. A student or parent shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

Untimely Filings

All time limits shall be strictly followed unless modified by mutual written consent.

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the student or parent, at any point during the complaint process. The student or parent may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

Costs Incurred

Each party shall pay its own costs incurred in the course of the complaint.

Complaint and Appeal Forms

Complaints and appeals under this policy shall be submitted in writing on a form provided by the District.

Copies of any documents that support the complaint should be attached to the complaint form. The complaint form should state the solution sought. If the student or parent does not have copies of supporting documents, copies may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the student, the parent, or the administration unless the student, the parent, or the administration did not know the documents existed before the Level One conference.

A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing.

Level One

Complaint forms must be filed:

1. Within 15 days of the date the student or parent first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and

2. With the lowest level administrator who has the authority to remedy the alleged problem.

A student or parent shall file a Level One complaint with the campus principal. If documented attempts to resolve the issue
with the principal have been unsuccessful, the student or par-
ent may file a Level One complaint with the campus princi-
pal’s direct supervisor.

If the only administrator who has authority to remedy the al-
leged problem is the Superintendent or designee, the com-
plaint may begin at Level Two following the procedure, includ-
ing deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the
receiving administrator must note the date and time the complaint
form was received and immediately forward the complaint form to
the appropriate administrator.

The appropriate administrator shall investigate as necessary and
schedule a conference with the student or parent within ten days
after receipt of the written complaint. The administrator may set
reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide
the student or parent a written response within ten days following
the conference. The written response shall include a recitation of
the facts as determined by the administrator at that time and shall
set forth the basis of the decision. In reaching a decision, the ad-
ministrator may consider information provided at the Level One
conference and any other relevant documents or information the
administrator believes will help resolve the complaint.

With the written response, the administrator shall provide the stu-
dent or parent a copy of this policy as an attachment, highlighting
the Level Two procedure in the event the student or parent
chooses to appeal the decision.

**Level Two**

If the student or parent did not receive the relief requested at Level
One or if the time for a response has expired, the student or parent
may request a conference with the Superintendent or designee to
appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by
the District, within ten days of the date of the written Level One re-
sponse or, if no response was received, within ten days of the
Level One response deadline.

After receiving notice of the appeal, the Level One administrator
shall prepare and forward a record of the Level One complaint to
the Level Two administrator. The student or parent may request a
copy of the Level One record.

The Level One record shall include:
1. The original complaint form and any attachments.

2. All other documents submitted by the student or parent at Level One.

3. The written response issued at Level One and any attachments.

4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Superintendent or designee shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the student or parent may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the student or parent a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

**Level Three**

If the student or parent did not receive the relief requested at Level Two or if the time for a response has expired, the student or parent may appeal the decision to the Board.

The Level Three appeal notice must be filed in writing, on a form provided by the District, within ten District business days (counting from the day after the date on the Level Two response) of the date of the written Level Two response; or, if no response was received, the appeal notice must be filed within ten District business days of the administrative deadline for responding to the Level Two complaint.

The Superintendent or designee shall inform the student or parent of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the Level Two appeal. The student or parent may request a copy of the Level Two record.

The Level Two record shall include:
STUDENT RIGHTS AND RESPONSIBILITIES

STUDENT AND PARENT COMPLAINTS/GRIEVANCES

1. The Level One record.

2. The notice of appeal from Level One to Level Two.

3. The written response issued at Level Two and any attachments.

4. All other documents relied upon by the administration in reaching the Level Two decision.

The appeal shall be limited to the issues and documents considered at Level Two, except that if at the Level Three hearing either the student, the parent, or the administration intends to rely on evidence not included in the Level Two record, notice of the nature of the evidence shall be provided by that party (the parent, the student, or the administration) to the other party and to the Board’s General Counsel at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

At the Board’s discretion, the Board may hear the complaint based on oral argument or upon written submissions. If the complaint is heard on oral argument, the presiding officer shall set reasonable time limits and guidelines for the presentation including an opportunity for the student or parent and the administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the student or parent or the student’s representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

If the complaint is presented on written submissions, the Board shall hear the complaint based on written submissions and shall then make and communicate its decision orally or in writing at any
time up to and including the next regularly scheduled Board meeting. The written submissions shall serve as the record of the Level Three proceeding before the Board.