Complaints

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, or disability 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 (IDEA) shall be submitted in accordance with EHBAE, FOF, and the procedural safeguards handbook provided to parents of all students referred to special education.

10. Complaints concerning instructional resources shall be submitted 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 assignment shall be submitted in accordance with FDB.

Other Complaint Processes
Complaints concerning admission, placement, or services provided for a homeless student shall be submitted in accordance with FDC.

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

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

From the date the complainant knew or should have known of the concern, there shall be a 15-day period during which the complainant must inform the teacher, principal, or other administrator as appropriate and attempt an informal resolution. If there is no informal resolution, not later than the 15th day from the date the complainant knew or should have known of the concern, the complaint form must be filed as described below.

Participation in this informal resolution process shall be mandatory prior to the filing of a Level One complaint but shall not extend the deadlines in this policy, except by mutual written consent.

All parties must make a good faith effort to informally resolve a concern. The Board expects that every reasonable effort shall be made to resolve a concern at the informal level. At the informal resolution stage, there shall be an in-person meeting or telephone conference between the parent or student and the appropriate employee to discuss the possible complaint. The employee may obtain the assistance of other staff in an effort to reach an informal resolution. With written permission of the employee’s immediate supervisor, the employee shall have the right to unilaterally extend the time for filing a formal complaint in the event the employee is continuing the process of informal resolution. If, however, it appears that an informal resolution is not possible, the employee shall review the complaint process with the parent or student and provide information on how to access a complaint form.
If an informal conference regarding a concern fails to resolve the concern, the student or parent may initiate a complaint described below 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 concerns. A student or parent whose concerns are resolved may withdraw a formal complaint at any time.

All complaints shall be resolved expeditiously. However, time lines may be extended at the discretion of the Superintendent or designee when circumstances warrant such extensions.

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.

Retaliation for filing a complaint is not permitted by the District and therefore it is not necessary to request in a complaint that there be no retaliation.

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 campus/department or the legal services department 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.

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.

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

“Days” shall mean District business days, unless otherwise noted. In calculating timelines under this policy, the day a complaint or response 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, pending the District’s decision on whether to have representation. The District may be represented by counsel at any level of the process.

In addition, other persons may attend informal administrative conferences or hearings held in connection with the complaint process if the hearing officer agrees that the person may attend.

Additional Information to Be Considered

Information to be considered (“additional information”) shall mean any supporting or relevant information or evidence the parties to the complaint want to be considered with the complaint or response.

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.

When two or more complaints are sufficiently similar in nature and remedy sought, the District may consolidate the complaints in one proceeding.

Consideration of Complaint

Administrators and hearing officers who are hearing and responding to complaints should consider all additional information provided by the parties involved in the complaint, applicable laws, regulations, policies, and directives from the Superintendent or designee, and information supplied by the administrator or within the knowledge of the administrator or hearing officer hearing the complaint. Unless directed by the Superintendent, administrators and hearing officers shall not undertake independent investigations or studies.

Untimely Filings

If a complaint form or appeal notice is not timely filed, the complaint shall 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 in writing within five days from the date of the receipt 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. The parent or student may request a copy of the complaint form from the campus/department or access on the District’s website.

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 refileing is within the designated time for filing.

Parties to the complaint must attach to the Level One form any additional information and evidence to be considered with the complaint and response. After the initial filing, new additional information to be considered shall not be submitted unless the hearing officers at Level One or Level Two agree to accept it as part of the record. The hearing officer shall not be required to accept new additional information to be considered when it was not originally included with the Level One form. New additional information to be considered shall not be submitted at Level Three. The remedy requested on the Level One form shall not be amended at any level.

Level One

Level One 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; and

2. With the administrator who has the authority to remedy the alleged problem; or

3. With the legal services department.

In most circumstances, students and parents shall file Level One complaints with the campus principal.

If the subject of the complaint is that the supervisor took the action or failed to take the action, and the supervisor has attempted to resolve the complaint through the informal process, the supervisor may recommend that the complaint begin at Level Two. The determination of whether the complaint begins at Level One or Level Two shall be made by the
Superintendent or designee. In all cases, the Level One complaint form must be completed by following the procedure, including deadlines, for filing the complaint form at Level One.

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

If directed by the Superintendent or designee, the appropriate administrator shall investigate as necessary.

The parent or student shall describe in the Level One complaint form the efforts made towards informal resolution of the Level One complaint.

If the Level One administrator determines that the parent or student has not made a good faith effort to resolve the Level One complaint informally, the administrator, in writing, may reject the complaint, instruct the complainant to seek informal resolution, and set a new date for filing of the Level One complaint form.

The administrator shall schedule a conference with the student or parent within ten days after receipt of the written Level One complaint. The administrator may set 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. In reaching a decision, the administrator may consider additional information provided at the Level One conference and any other relevant information the administrator believes will help resolve the Level One complaint.

If the student or parent did not receive the relief requested at Level One, the student or parent may 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 receipt of the written Level One response. If the response was mailed, three additional days when the U.S. Mail Service is in operation shall be added for delivery.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the legal services department. 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 additional information submitted by the student or parent or administrator at Level One.

3. The written response to the Level One complaint and any attachments.

4. Any other additional information relied upon by the Level One administrator in reaching the Level One decision.

Appointment of Hearing Officer

In connection with the consideration of a complaint at Level Two, the Superintendent or designee may appoint an independent hearing officer to hear a complaint and render a recommendation to the Superintendent. At the time of appointment of the independent hearing officer, the Superintendent or designee shall direct the type of investigation and hearing, if any, that would be appropriate in connection with consideration of the complaint.

The Superintendent or designee shall schedule a conference within ten days after the appeal notice is filed unless the Superintendent has revised the time lines as provided above.

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, additional information provided at the Level Two conference, and any other relevant 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, the student or parent may appeal the decision to the Board. However, provisions for placement of items on a Board meeting agenda, as provided in BE(LOCAL), shall not apply to complaints.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of receipt of the written Level Two response. If the response is sent by mail, three additional days when the U.S. Mail Service is in operation shall be added for delivery.
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.

Level Three grievances focusing on the following shall be given priority in scheduling:

1. Grades.
2. Student transfers.
3. Grade level promotion/retention.

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:

1. The Level One record.
2. The Level Two complaint form.
3. Additional information provided at the Level Two hearing.
4. The Level Two response.
5. Any other additional information 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 the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the student or parent notice of the nature of the evidence 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]

The Board shall hear the complaint, and the presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the student or parent and administration to each make a presentation and an opportunity for questioning by the Board. The Board 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.

Once the Board has communicated its decision, the matter is concluded.

**Dismissals**

Level Three grievances shall be dismissed by the Superintendent or designee, on behalf of the Board of Trustees, if the requested resolution is outside of Board authority (i.e. awarding of money damages, requesting apologies or reprimand/termination of an employee other than the Superintendent).

This decision shall be final action on the grievance by the District.

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1 District’s website: [http://roundrockisd.org](http://roundrockisd.org)