

The purpose of this policy is to secure, at the lowest possible administrative level, prompt and equitable resolution of student or parent complaints. Except as provided below, all student or parent complaints shall be presented in accordance with this policy.

Certain Complaints

Complaints regarding certain topics including, but not limited to those listed below, are addressed by specific policies or other documents that modify this complaint process or require an alternative process. Note also that some of the policies listed below provide for application of FNG(LOCAL) upon the conclusion or completion of procedures specified in the relevant policy. For example, an individual who is dissatisfied with the outcome of an investigation under policy FFH(LOCAL) may file an appeal through FNG(LOCAL).

1. Discrimination or harassment based on race, color, national origin, ethnicity, disability, religion, gender or sexual orientation, gender identity, or gender expression. [See FFH]
2. Dating violence. [See FFH]
3. Retaliation related to discrimination or harassment. [See FFH]
4. Bullying or retaliation related to bullying. [See FFI]
5. Suspected child abuse or neglect. [See FFG]
6. Loss of credit on the basis of attendance. [See FEC]
7. Removal of a student to a disciplinary alternative education program (DAEP). [See FOC and the Student Code of Conduct]
8. Expulsion of a student. [See FOD and the Student Code of Conduct]
9. Identification, evaluation, or educational placement of a student with a disability within the scope of Section 504. [See FB]
10. Identification, evaluation, educational placement, or discipline of a student with a disability within the scope of IDEA. [See, EHBAE, FOE, FOF and the parents' rights handbook provided to parents of all students referred to special education]
11. Instructional resources. [See EF]
12. On-campus distribution of nonschool materials to students. [See FNAA]
13. Complaints against District peace officers. [See CKE]

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14. Complaints regarding implementation of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule. [See FFA and FFH]

15. Objections to mandatory school uniforms. [See FNCA]

General Provisions

Unless otherwise provided by a policy or regulations cross-referenced in the list above, students or parents shall be entitled to informal conferences with administrators to resolve their complaints. In most circumstances in which a complaint involves a problem with a teacher, the student or parent shall be expected to discuss the matter with the teacher before requesting a conference with the principal at Level One.

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

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. These proceedings are for administrative purposes.

Freedom from Retaliation

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

Notice to Students and Parents

The principal of each campus shall inform students and parents of this policy.

Definitions

For purposes of this policy, terms are defined as follows.

Complaint / Grievance

The terms “complaint” and “grievance” shall have the same meaning.

Response

“Response” shall mean a written communication to the student or parent from the appropriate administrator. Responses may be hand-delivered 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.

Representative

“Representative” shall mean any person or organization 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

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or parent designates a representative with fewer than five 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.

Timelines	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 days of filing the initial complaint, unless the complaint is resolved before it is considered by the Board. [See GKA(LEGAL)]
Days	"Days" shall mean school days. In calculating timelines under this policy, the day a document is filed is "day zero," and all deadlines shall be determined by counting the following day as "day one."
Filing	Complaint forms and appeal notices may be filed by hand-delivery, fax, or 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. Fax filings shall be timely filed if they are received on or before the deadline, as indicated by the date/time shown on the fax copy. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline.
Untimely Filings	<p>All time limits shall be strictly followed unless modified by mutual written consent.</p> <p>If a complaint form or appeal notice is not timely filed, the complaint may be dismissed at any point during the complaint process, on written notice to the student or parent. The student or parent may appeal the dismissal by making a written request for review within ten days from the date of the written dismissal notice. The review will begin at the level at which the complaint was dismissed and shall be limited to the issue of timeliness.</p>
Costs Incurred	Each party shall pay its own costs incurred in the course of the complaint.
Complaint Form	<p>Complaints under this policy shall be submitted in writing on a form provided by the District.</p> <p>Copies of any documents that support the complaint should be attached to the complaint form. If the student or parent does not have copies of these documents, copies may be presented at the Level One conference. After the Level One conference, no new documents may be submitted unless the student or parent did not know the documents existed before the Level One conference.</p>

A complaint form that is incomplete in any material aspect may be dismissed but may be refiled with all the requested information if the refileing is within the designated time for filing a complaint.

Level One

A student or parent who has a complaint shall file a complaint form and request a conference with the principal, or the lowest level administrator who has authority to remedy the alleged problem within ten days of the time the student or parent knew, or should have known, of the event or series of events causing the complaint. The principal or administrator shall schedule and hold a conference with the student or parent within five days of the request. The principal shall have seven days following the conference within which to make a written response.

Level Two

If the student or parent did not receive the relief requested at Level One or the time for a response has expired, the student or parent may request a conference with the Executive Director or the next appropriate level of administrator. The request must be filed within seven days following receipt of a response, or if no response is received, within seven days of the response deadline. The Executive Director or administrator shall hold the conference within seven days after receiving the request.

Prior to or at the time of the conference, the student or parent shall submit a written complaint that includes the student's or parent's signed statement of the complaint, any evidence in its support, the solution sought, and the date of the conference with the principal.

The Executive Director or administrator shall have seven days following the conference within which to respond.

Level Three

If the student or parent did not receive the relief requested at Level Two, the student or parent may submit to the Superintendent of Schools or designee a Level Three request for review. The request shall be in writing and must be filed within seven days of the response or, if no response is received, within seven days of the response deadline.

The Superintendent of Schools or designee shall review the documents relevant to the complaint and may, at the Superintendent's of Schools or designee's discretion, schedule a conference or prepare a written response based upon the review of the record within ten days of the request.

Appeal to the Board

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

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The appeal notice must be filed in writing, on a form provided by the District, within ten days after receipt of a response or, if no response was received, within ten days of the response deadline at Level Three.

The Office of Board Services shall inform the student, the parent, and the administration of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board and shall provide the Board with copies of the complaint form, all responses, all appeal notices, and all written documentation previously submitted by the student, parent, or administration. The Board shall consider only those issues and documents presented at the preceding levels, identified in the appeal notice.

The presiding officer may set reasonable time limits and guidelines for the presentation. 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 complaint. The presentation by the student, parent, or 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 written or oral notice of its decision orally at any time up to and including the next regularly scheduled Board meeting. If for any reason the Board fails to reach 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 Three.

Open / Closed Meeting

The complaint may be presented in an open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

Adoption or Last Amended Date

This policy was last amended on October 17, 2019.