

STUDENT RIGHTS AND RESPONSIBILITIES  
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG  
(LOCAL)

**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, 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 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.

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

To the extent that these referenced policies are silent as to any process, procedure, standard of review, or timing, policy FNG shall apply.

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)]

**Notice to Students and Parents**

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

**Guiding Principles**

Informal Process

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 administrative level.

Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

Formal Process

A student or parent may initiate the formal process 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.

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

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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 post-marked 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

"Days" shall mean District business days, unless otherwise noted. 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

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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](#)<sup>1</sup> provided by the District.

The complaint must contain all issues about which the student or parent is complaining. 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. All other evidence that the student or parent intends the administration to rely upon must be presented at the Level One conference.

After the Level One conference, no new documents, evidence, or issues shall be considered.

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

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

If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including 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.

After the Level One conference, the complainant and the administration shall present their respective evidence and arguments.

The Level One decision must be supported by a preponderance of the evidence presented. This means that the decision must be supported by the greater weight of the credible and believable evidence. In short, the facts used to support the decision are more likely than not the correct version of the facts. Absent extenuating circumstances, the administrator 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.

## **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 response 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, evidence, 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

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written response shall set forth the basis of the decision. In reaching a decision, the Level Two administrator shall only consider the Level One record and arguments presented at the Level Two conference.

If the Level Two administrator believes that additional factual investigation is needed, the Level Two administrator shall remand the matter to the Level One administrator for such investigation. After the additional investigation is completed, the Level One administrator shall hold a new Level One conference where the additional evidence is presented. The timetable and other procedures for decision making and appeal apply to any additional Level One hearings.

In reviewing the fact determinations made by the Level One administrator, the Level Two administrator shall review those fact determinations under a clear error standard. Factual determinations, whether based on oral testimony or other evidence, must not be disregarded unless clearly erroneous, and the Level Two administrator must give due regard to the Level One administrator's opportunity to judge the witnesses' credibility.

A finding is "clearly erroneous" when, although evidence exists to support it, the Level Two administrator, on the entire evidence, believes with the definite and firm conviction that a mistake has been committed. This standard does not entitle the Level Two administrator to reverse the finding of the original decision maker simply because the reviewer is convinced that he or she would have made a different decision. The question on review is not simply whether the Level Two administrator would have found otherwise, but whether the Level One administrator could permissibly find as he or she did.

In reviewing the interpretation or application of a law, policy, regulation, or other controlling standard, the Level Two administrator may consider the issue de novo giving whatever deference, if any, to the Level One administrator's conclusions.

The Level Two administrator should reverse the decision of the administration if the decision was:

1. In violation of constitutional or statutory provisions;
2. Made through an unlawful procedure;
3. Outside of the administration's legal authority; or
4. Affected by other error of law.

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At the Level Two conference, the complaining party has the burden to prove that the Level One decision is clear error. Therefore, the Level Two administrator must presume that the Level One administrator's decision was not clear error.

No further appeals are allowed unless state or federal law specifically requires that the complaint be considered by the Board.

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

**Level Three**

Only those matters where a hearing before the Board is required by state law shall be entitled to a Level Three hearing. A Level Two hearing shall be the final hearing for all other matters. Nothing in this provision limits the right of a parent or student to appear at a Board meeting in accordance with Board policy on agenda and non-agenda comments.

If state or federal law specifically requires the Board to consider the complaint, a student or parent who did not receive the relief requested at Level Two, or if the time for a response has expired, may appeal the decision to the Board.

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

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:

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.

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The appeal shall be limited to the issues and documents considered at Level Two. No live witnesses shall be presented, and the presentation shall be limited to oral arguments from the participants about the evidence and issues presented at Level One. The Board shall reverse the decision of the administration if the decision was:

1. In violation of constitutional or statutory provisions;
2. Made through an unlawful procedure;
3. Outside of the administration's legal authority; or
4. Affected by other error of law.

At the Level Three hearing, the complaining party has the burden to prove that the Level One decision was an abuse of discretion. Therefore, the Board must presume that the Level One administrator's decision was not an abuse of discretion.

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 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 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. In reviewing the fact determinations made by the Level One administrator, the Board shall review those fact determinations under the arbitrary and capricious standard. The Board shall only reverse a prior decision under this standard if the decision was a result of willful and unreasoning action, without consideration of and disregard for the circumstance. The complainant bears the burden of proof at the Level Three hearing to show that the prior decisions were arbitrary and capricious.



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In reviewing the interpretation or application of a law, policy, regulation, or other controlling standard, the Board shall give some deference, but not absolute deference, to the expertise of the administration in applying the controlling standard.

The Board shall not reverse the administration's action simply because the Board is convinced it would have made a different decision. The question on review is not simply whether the Board would have found otherwise, but whether the administration's decision exceeded the bounds of reason, considering all circumstances.

The Board 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.

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<sup>1</sup> Student and parent complaint forms:  
<https://1.cdn.edl.io/jM4Pc4BvRPkFfbn4vtE4ttjtt-dfko67ND33kqpxJxwb76Amr.pdf>