
Complaints	In this policy, the terms “complaint” and “grievance” shall have the same meaning.
Other Complaint Processes	Complaints by members of the public or member school districts shall be filed in accordance with this policy, except complaints by employees of the ESC, which shall be filed in accordance with DGBA, and student or parent complaints, which shall be filed in accordance with FC.
Guiding Principles	The Board encourages the public to discuss concerns with an appropriate administrator who has the authority to address the concerns, as determined by the Executive Director.
Informal Process	Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.
Formal Process	An individual may initiate the formal process described below by timely filing a written complaint form. Even after initiating the formal complaint process, individuals are encouraged to seek informal resolution of their concerns. An individual 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 ESC employee shall unlawfully retaliate against any individual for bringing a concern or complaint.
General Provisions	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 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 ESC shall make reasonable attempts to schedule conferences at a mutually agreeable time. If the individual fails to appear at a scheduled conference, the ESC may hold the conference and issue a decision in the individual’s absence.

Response	At Level One, “response” shall mean a written communication to the individual from the Executive Director or designee. Responses may be hand-delivered, sent by electronic communication to the individual’s email address of record, or sent by U.S. Mail to the individual’s mailing address of record. At Level Two, “response” shall mean action or inaction by the Board in open session of a Board meeting. The Board may, at its discretion, follow up its action or inaction at a Board meeting concerning the complaint with a written communication to the individual.
Days	“Days” shall mean ESC business days. 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 an individual to represent the individual in the complaint process. The individual may designate a representative through written notice to the ESC at any level of this process. If the individual designates a representative with fewer than three days’ notice to the ESC before a scheduled conference or hearing, the ESC may re-schedule the conference or hearing to a later date, if desired, in order to include the ESC’s counsel. The ESC 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. An individual 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 individual, at any point during the complaint process. The individual 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 ESC.

Copies of any documents that support the complaint should be attached to the complaint form. If the individual does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the individual unless the individual 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 individual 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 Executive Director or designee.

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 Executive Director or designee.

The Executive Director or designee shall investigate as necessary and schedule and conduct a conference with the individual within ten days after receipt of the written complaint. The Executive Director or designee may set reasonable time limits for the conference.

Absent extenuating circumstances, the Executive Director or designee shall provide the individual 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 administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

Level Two

If the individual did not receive the relief requested at Level One or if the time for a response has expired, he or she may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the ESC, 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.

The Executive Director or designee shall inform the individual 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 Executive Director or designee shall provide the Board the record of the Level One complaint. The individual 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 individual 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.
5. The notice of appeal from Level One to Level Two.

The appeal shall be limited to the issues and documents considered at Level One, except that if at the Level Two hearing the administration intends to rely on evidence not included in the Level One record, the administration shall provide the individual notice of the nature of the evidence at least three days before the hearing.

The ESC 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 individual 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 decision at the preceding level.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Two presentation. The Level Two presentation, including the presentation by the individual or his or her 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 One.