

STUDENT RIGHTS AND RESPONSIBILITIES:  
STUDENT AND PARENT COMPLAINTS

FNG  
(LOCAL)

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<b>GUIDING PRINCIPLES</b>	<p><del>The purpose of this policy is to secure at the lowest possible administrative level, prompt and equitable resolution of student or parent complaints including but not limited to complaints of discrimination on the basis of sex under Title IX. Except as provided below, all student or parent complaints shall be presented in accordance with this policy.</del></p> <p><b>The Board encourages students and parents to discuss their concerns and complaints through informal conferences with the appropriate teacher, principal, or other campus administrator.</b></p>
<b>INFORMAL PROCESS</b>	<p><b>Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.</b></p>
<b>FORMAL PROCESS</b>	<p><b>If an informal conference regarding a complaint fails to reach the outcome requested by the student or parent, the student or parent may initiate the formal process described below by timely filing a written complaint form.</b></p> <p><b>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.</b></p>
<b>FREEDOM FROM RETALIATION</b>	<p><b>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.</b></p> <p><b>Neither the Board nor any District employee shall unlawfully retaliate against any student or parent for bringing a concern or complaint.</b></p>
<b>NOTICE TO PARENTS AND STUDENTS</b>	<p><b>The principal of each campus shall inform students and parents of this policy.</b></p>

**APPLICATION**

**Except as addressed by SPECIFIC COMPLAINTS, below, this policy applies to all complaints or grievances from students or parents.**

**CERTAIN  
COMPLAINTS  
SPECIFIC  
COMPLAINTS**

~~Complaints regarding certain topics are addressed by specific policies or other documents that modify this complaint process or require an alternative process. To the extent that one of the following referenced policies does not require an alternative process for a specific complaint, this policy shall apply:~~

**Complaints alleging certain forms of harassment shall be processed in accordance with FNCJ.**

**For more information on how to proceed with complaints regarding:**

- ~~1. Discrimination on the basis of gender: FB;~~
- ~~2. Sexual abuse or sexual harassment of a student: FNCJ;~~
- ~~3. Loss of credit on the basis of attendance: FEC;~~
- ~~4. Removal of a student to a disciplinary alternative education program: FOAB;~~
- ~~5. Expulsion of a student: FOD and the Student Code of Conduct;~~
- ~~6. Identification, evaluation, or educational placement of a student with a disability within the scope of Section 504: FB;~~
- ~~7. Identification, evaluation, educational placement, or discipline of a student with a disability within the scope of IDEA: EHBA, FOE, and the parents' rights handbook provided to parents of all students referred to special education;~~
- ~~8. Instructional materials: EFA;~~
- ~~9. On-campus distribution of nonschool materials to students: FNAA; and~~
- ~~10. Complaints against District peace officers: CKE.~~

- 1. Alleged discrimination, see FB.**

2. **Loss of credit on the basis of attendance, see FEC.**
3. **Removal to a disciplinary alternative education program, see FOC.**
4. **Expulsion, see FOD and the Student Code of Conduct.**
5. **Identification, evaluation, or educational placement of a student with a disability within the scope of Section 504, see FB.**
6. **Identification, evaluation, educational placement, or discipline of a student with a disability within the scope of the Individuals with Disabilities Education Act, see EHBA, FOF, and the parents' rights handbook provided to parents of all students referred to special education.**
7. **Instructional materials, see EFA.**
8. **On-campus distribution of non-school materials, see FNAA**
9. **A commissioned peace officer who is an employee of the District, see CKE.**

**DEFINITIONS**

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

**COMPLAINT/  
GRIEVANCE**

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

**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 the 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 post marked by the U.S. Mail on the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

**RESPONSE**

At Levels One and Two, “response” shall mean a written communication to the student or parent from the appropriate administrator. Response may be hand-delivered or sent by to

**the student's or parent's mailing address of record. Mailed responses shall be timely filed if they are postmarked by U.S. Mail on the deadline and received by the student or parent or designated representative no more than three days after the response deadline.**

**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.**

**DAYS** “Days” shall mean District business days. In calculating time lines 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.”

**GENERAL PROVISIONS** ~~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. Before initiating a formal complaint under this policy, students or parents are encouraged to resolve concerns by scheduling an informal conference with the principal or other appropriate administrator.~~

**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.**

**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, 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 FORM** Complaints 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. 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.

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

The student may be represented by an adult at any level of the complaint.

For purposes of this policy, "days" shall mean calendar days.

~~Announcement of a decision in the student's or parent's presence shall constitute communication of the decision.~~

**INVESTIGATIONS** ~~All reports of sexual harassment that are not minor shall be referred to the Title IX Coordinator. Oral complaints shall be reduced to writing to assist in the District's investigation of a complaint. To the greatest extent possible, complaints shall be treated as confidential. Limited disclosure may be necessary to identify witnesses and obtain evidence to complete a thorough investigation and make a determination.~~  
**All reports of sexual harassment that are not minor shall be referred to the Title IX Coordinator. Oral complaints shall be reduced to writing to assist in the District's investigation of a complaint. To the greatest extent possible, complaints shall be treated as confidential. Limited disclosure may be necessary to identify witnesses and obtain evidence to complete a thorough investigation and make a determination.**

**LEVEL ONE** ~~A student or parent who has a complaint shall request a conference with the principal within 15 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 shall hold a~~

conference with the student or parent within seven days of the request. The principal shall have seven days following the conference within which to respond.

**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.**

**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 hold a conference with the student or parent within ten days after receipt of the written complaint.**

**The administrator shall have ten days following the conference to provide the student or parent a written response.**

**LEVEL TWO**

~~If the outcome of the conference with the principal is not to the student's or parent's satisfaction, the student or parent may request, within ten days, a conference with the Superintendent or designee, who shall schedule and hold a conference. Prior to or at the time of the conference, the student or parent shall submit a written complaint that includes a statement of the complaint, any evidence in its support, the solution sought, the student's or parent's signature, and the date of the conference with the principal. The Level Two determination will be made within 30~~

~~days and will be communicated in writing. The complaining party will be informed if extenuating circumstances delay the determination.~~

**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 after receipt of a response, or if no response was received, within ten days of the response deadline at Level One.**

**The Superintendent or designee shall hold a conference within ten days after the appeal notice is filed. At the conference, the Superintendent or designee shall consider only the issues and documents presented at Level One and identified in the Level Two appeal notice. The Superintendent or designee shall have ten days following the conference to provide the student or parent a written response.**

### LEVEL THREE

~~If the outcome of the conference with the Superintendent or designee is not to the student's or parent's satisfaction or if the time for a response has expired, the student or parent may submit to the Superintendent or designee a request to place the matter on the agenda of a future Board meeting. 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 shall inform the student or parent of the date, time, and place of the meeting.~~

~~The presiding officer shall establish a reasonable time limit for complaint presentations. The District shall make an audiotape record of the Level Three proceeding before the Board. The Board shall hear the complaint 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.~~

**If the student or parent did not receive the relief requested at the 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 after receipt of a**

response or, if no response was received , within ten days of the response deadline at Level Two.

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 with copies of the complaint form, all responses, all appeal notices, and all written documentation previously submitted by the student or parent or the administration. The Board shall consider only those issues and documents presented at the preceding levels and identified in the appeal notice.

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. 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 for any reason the Board fails to reach a decision regarding the complaint by the end of the next regularly scheduled Board meeting, the lack of response by the Board upholds the administrative decision at Level Two.

~~CLOSED  
MEETING~~

~~If the complaint involves concerns or charges regarding an employee, it shall be heard by the Board in closed meeting unless the employee to whom the complaint pertains requests that it be heard in public.~~

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FNG(LOCAL)

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**This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]**