

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

COMPLAINTS

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

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, gender, national origin, disability, or religion 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 materials shall be submitted in accordance with EFA.
11. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with CKE.

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12. Complaints concerning intradistrict transfers or campus assignment shall be submitted in accordance with FDB.
13. Complaints concerning admission, placement, or services provided for a homeless student shall be submitted in accordance with FDC.

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.

When a student or parent initiates the informal resolution provisions of this policy, the principal or appropriate administrator shall make reasonable attempts to schedule a conference with the student or parent and attempt to resolve the student or parent's concern within 15 days of the initial complaint. If a resolution is not reached informally, the student or parent's deadline to file the formal grievance process shall be extended five days from the date of the conference held with the principal or appropriate administrator, when applicable.

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 e-mail 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

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	<p>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.</p>
SCHEDULING CONFERENCES	<p>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.</p>
RESPONSE	<p>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 e-mail 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.</p>
DAYS	<p>"Days" shall mean District business days. In calculating time lines under this policy, the day a document is filed is "day zero." The following business day is "day one."</p>
REPRESENTATIVE	<p>"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.</p> <p>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.</p> <p>If either party chooses to be represented by its counsel, it shall notify the other party at least three days before a scheduled interview or hearing, or the other party may reschedule the interview or hearing in order to include its representative, if desired.</p>
CONSOLIDATING COMPLAINTS	<p>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.</p>
UNTIMELY FILINGS	<p>All time limits shall be strictly followed unless modified by mutual written consent.</p>

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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 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 District. Forms shall be available from the director of administrative services.

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 by the student or parent unless the student or parent did not know the documents existed before the Level One conference.

The District shall expeditiously accommodate the student or parent's requests for information subject to the Texas Public Information Act so that documents may be timely received, or the District shall agree to a continuation of the time lines so that documents may be received and used by the student or parent.

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 student or parent first knew, or with reasonable diligence should have known, of the action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

Students and parents shall file Level One complaints with the director of administrative services. In most circumstances, complaints shall be referred to the campus principal.

The student or parent has the option to present the grievance at Level Two if the highest level campus or department administrator is the respondent to the grievance. In this situa-

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tion, 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 director of administrative services, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the director of administrative services.

The designated 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.

LEVEL TWO

If the student or parent did not reach a satisfactory resolution during the informal process at Level One or if the time for a response has expired, the student or parent may submit an appeal in writing to the director of administrative services. 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 director of administrative services shall prepare and forward a record of the Level One complaint to the appropriate member of the Superintendent's cabinet or designee. 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.

A member of the Superintendent's cabinet or designee shall schedule a conference within ten days after the appeal notice is filed. 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. A member of the Superintendent's cabinet or designee may set reasonable time limits for the conference.

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A member of the Superintendent's cabinet 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 member of the Superintendent's cabinet or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the member of the Superintendent's cabinet 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 or if the time for a response has expired, the student or parent may appeal the decision to a designated hearing officer, who shall, in turn, make a written recommendation for disposition to the Board. Hearing officers may be District employees who were not involved in the subject matter of the grievance or the grievance process, or they may be persons not employed by the District.

The appeal notice must be filed in writing to the director of administrative services, 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 director of administrative services shall, in advance of any hearing, provide the hearing officer 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.

The appeal shall be limited to the issues and documents considered at Level Two, except that if at the Level Three hearing the hearing officer 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 director of administrative services shall inform the student or parent of the date, time, and place of the scheduled hearing. The

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form of presentation of the grievance shall be determined by the designated hearing officer, and all proceedings before the hearing officer shall be recorded by audiotape. Generally, no witnesses shall be presented and no cross examination of witnesses shall occur, unless due process so requires. In each case, the grievant shall be permitted to make a presentation to the designated hearing officer within the time allotted and shall be able to offer such written evidence as the designated hearing officer may deem relevant. The administration shall, in turn, be entitled to respond to the grievant with its own presentation and written evidence.

The director of administrative services shall, in advance of any hearing, provide the designated hearing officer and the student or parent with copies of the original grievance, all responses, and any written documentation previously submitted by the student or parent and administration. The designated hearing officer is not required to consider documentation not previously submitted or issues not previously presented.

APPEAL OF HEARING
OFFICER DECISION

If the student or parent desires to appeal the designated hearing officer's decision to the Board, the student or parent shall notify the director of administrative services within ten days of receipt of the hearing officer's recommendation. The Board shall review the hearing officer's written recommendation at its first regular meeting following receipt of the notice requesting Board review to the director of administrative services. The student or parent and the administration shall be given an opportunity to provide a written response to the Board. The Board, at its sole discretion, shall determine whether to review only the written information or to allow oral presentations. The Board shall then make and communicate its decision at any time up to and including the next regularly scheduled Board meeting. The Board may decide to accept, reject, or modify the recommendation of the hearing officer.

In the event the Board authorizes an oral presentation on a grievance, the student or parent and the administration shall be limited to ten minutes each.

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]

If at any time, in the opinion of the Superintendent, decisions on grievances appear to conflict with other decisions on grievances, law or regulations, or District policy, the Superintendent may direct that the conflicting decisions be reconsidered or may be the subject of additional consideration by the Superintendent. In the event of such a determination by the Superintendent, the Superintendent shall direct the procedure and time lines for resolving the conflict.

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The Superintendent may also choose to refer conflicts to the Board or to the hearing officer for reconsideration.