



Public Complaints

**Policy and Forms**

**The Bell Rings On!**

**2018–2019 School Year**

**Complaints**

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

Other Complaint Processes

Complaints by members of the public 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 GF after the relevant complaint process:

1. Complaints concerning instructional resources shall be filed in accordance with EF.
2. Complaints concerning a commissioned peace officer who is an employee of the District shall be filed in accordance with CKE.

**Guiding Principles**

Informal Process

The Board encourages the public to discuss concerns with an appropriate 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

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 District employee shall unlawfully retaliate against any individual for bringing a concern or complaint.

**General Provisions**

The District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If the individual fails to appear at a scheduled conference, the District may hold the conference and issue a decision in the individual’s absence.

Days

“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.”

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

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(LOCAL)

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 District.

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 with the Superintendent or designee 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.

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

Absent extenuating circumstances, the Superintendent 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 Superintendent or designee 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 request a conference with the Superintendent to appeal the Level One decision.

If, however, the Superintendent heard the complaint at Level One, the individual shall bypass Level Two and proceed to Level Three.

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 Superintendent. 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 a decision.

The Superintendent 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 individual may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent may set reasonable time limits for the conference.

The Superintendent 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 Superintendent may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent 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 individual did not receive the relief requested at the preceding level 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 District, within ten days of the date of the written response or, if no response was received, within ten days of the response deadline.

The Superintendent 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 Superintendent shall provide the Board the record of the Level One complaint and, if applicable, the Level Two appeal.

The records shall include:

1. The original complaint form, any attachments, and all other documents submitted by the individual.
2. The notice of appeal from Level One.
3. The written response issued at Level One and, if applicable, Level Two.
4. All other documents relied upon by the administration in reaching the Level One decision and, if applicable, the Level Two decision.

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

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 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 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 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 the preceding level.

PUBLIC COMPLAINTS

GF  
(EXHIBIT)

The forms on the following pages are provided to assist the District in processing complaints and appeals from members of the public:

- Exhibit A: Public Complaint Form — Level One — 2 pages
- Exhibit B: Response to Level One Complaint — 1 page
- Exhibit C: Level Two Appeal Notice — 2 pages
- Exhibit D: Response to Level Two Appeal — 1 page
- Exhibit E: Level Three Appeal Notice — 2 pages
- Exhibit F: Board's Response to Level Three Appeal — 1 page



EXHIBIT A

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**Note:** Informal resolution is encouraged but does not extend any deadlines in GF(LOCAL), except by mutual written consent.

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PUBLIC COMPLAINT FORM — LEVEL ONE

To file a formal complaint, please fill out this form completely and submit it by hand delivery, electronic communication, or U.S. mail to the appropriate administrator within the time established in GF(LOCAL). All complaints will be heard in accordance with GF(LEGAL) and (LOCAL) or any exceptions outlined therein.

1. Name: \_\_\_\_\_

2. Address: \_\_\_\_\_

\_\_\_\_\_  
Telephone number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

3. If you will be represented in presenting your complaint, please identify the person representing you.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Telephone number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

4. Please describe the decision or circumstances causing your complaint (give specific factual details).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. What was the date of the decision or circumstances causing your complaint?

\_\_\_\_\_

6. Please explain how you have been harmed by this decision or circumstance.

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7. Please describe any efforts you have made to resolve your concerns and the responses to your efforts. Please include dates of communication and whom you communicated with regarding your concerns.

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8. Please describe the outcome or remedy you seek for this complaint.

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Signature of complainant: \_\_\_\_\_

Signature of complainant's representative: \_\_\_\_\_

Date of filing: \_\_\_\_\_

*Complainant, please note:*

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

*Attach to this form any documents you believe will support the complaint; if unavailable when you submit this form, they may be presented no later than the Level One conference. Please keep a copy of the completed form and any supporting documentation for your records.*

EXHIBIT B

RESPONSE TO LEVEL ONE COMPLAINT

\_\_\_\_\_ (date)  
 \_\_\_\_\_ (name of complainant)  
 \_\_\_\_\_ (address of complainant)  
 \_\_\_\_\_  
 \_\_\_\_\_ (e-mail of complainant)

Dear \_\_\_\_\_:

Having considered the complaint at the Level One conference on \_\_\_\_\_ (date), I have decided on the following response:

**[Note: When preparing the letter, include only one of the following sentences.]**

For the following reasons, I am unable to provide the remedy you seek:

\_\_\_\_\_  
 \_\_\_\_\_

I will take the following actions to grant the remedy you seek for your complaint:

\_\_\_\_\_  
 \_\_\_\_\_

Although I am unable to provide the full remedy you seek for your complaint, I will take the following actions to provide a partial remedy:

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_ (signature of appropriate administrator)

*Complainant, please note:*

*To appeal this response, you must file a written notice of appeal with the appropriate administrator within the time limits set in GF(LOCAL). The necessary appeal forms are available at \_\_\_\_\_ during regular business hours.*



EXHIBIT C

LEVEL TWO APPEAL NOTICE

To appeal a Level One decision, or the lack of a timely response after a Level One conference, please fill out this form completely and submit it by hand delivery, electronic communication, or U.S. mail to the Superintendent or designee within the time established in GF(LOCAL). Appeals will be heard in accordance with GF(LEGAL) and (LOCAL) or any exceptions outlined therein.

1. Name: \_\_\_\_\_

2. Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

3. If you will be represented in presenting your appeal, please identify the person representing you.

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

4. Who held the Level One conference? \_\_\_\_\_

Date of conference: \_\_\_\_\_

Date you received a response to the Level One conference: \_\_\_\_\_

5. Please explain specifically how you disagree with the outcome at Level One.  
\_\_\_\_\_  
\_\_\_\_\_

6. Attach a copy of your original Level One complaint and any documentation submitted at Level One.

7. Attach a copy of the Level One response being appealed, if applicable.

Signature of complainant: \_\_\_\_\_

Signature of complainant's representative: \_\_\_\_\_

Date of filing: \_\_\_\_\_

*Complainant, please note:*

*A complaint or appeal form that is incomplete in any material way may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing a complaint or appeal.*

*Please keep a copy of the completed form and any supporting documentation for your records.*

EXHIBIT D

RESPONSE TO LEVEL TWO APPEAL

\_\_\_\_\_ (date)  
 \_\_\_\_\_ (name of complainant)  
 \_\_\_\_\_ (address of complainant)  
 \_\_\_\_\_  
 \_\_\_\_\_ (e-mail of complainant)

Dear \_\_\_\_\_:

Having considered the Level Two appeal on \_\_\_\_\_ (date), I have decided on the following response:

**[Note: When preparing the letter, include only one of the following sentences.]**

I am unable to grant your appeal. I will uphold the decision made at Level One by \_\_\_\_\_ (name) and communicated to you in the Level One response.

I wish to grant your appeal and have instructed \_\_\_\_\_ (name) to find a resolution in keeping with the remedy you seek.

Although I am unable to fully grant your appeal, I have instructed \_\_\_\_\_ (name) to take the following actions as a partial remedy to your complaint:

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
Superintendent (or designee)

*Complainant, please note:*

*To appeal this response, you must file a written notice of appeal with the appropriate administrator within the time limits set in GF(LOCAL). The necessary appeal forms are available at \_\_\_\_\_ during regular business hours.*



EXHIBIT E

LEVEL THREE APPEAL NOTICE

To appeal a Level Two decision, or the lack of a timely response after a Level Two conference, please fill out this form completely and submit it by hand delivery, electronic communication, or U.S. mail to the Superintendent or designee within the time established in GF(LOCAL). Appeals will be heard in accordance with GF(LEGAL) and (LOCAL) or any exceptions outlined therein.

1. Name: \_\_\_\_\_

2. Address: \_\_\_\_\_

\_\_\_\_\_

Telephone number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

3. If you will be represented in presenting your appeal, please identify the person representing you.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

4. Who held the Level Two conference? \_\_\_\_\_

Date of conference: \_\_\_\_\_

Date you received a response to the Level Two conference: \_\_\_\_\_

5. Please explain specifically how you disagree with the outcome at Level Two.

\_\_\_\_\_

\_\_\_\_\_

6. Do you want the Board to hear this appeal in open session?  Yes  No  
*If so, the Board will consider your request; however, you may not have a legal right under the Texas Open Meetings Act to require a meeting in open session.*

7. Attach a copy of your original Level One complaint and any documentation submitted at Level One and a copy of your Level Two appeal notice.

8. Attach a copy of the Level Two response being appealed, if applicable.

Signature of complainant: \_\_\_\_\_

Signature of complainant's representative: \_\_\_\_\_

Date of filing: \_\_\_\_\_

*Complainant, please note:*

*A complaint or appeal form that is incomplete in any material way may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing a complaint or appeal.*

*Please keep a copy of the completed form and any supporting documentation for your records.*

EXHIBIT F

BOARD'S RESPONSE TO LEVEL THREE APPEAL

\_\_\_\_\_ (date)

\_\_\_\_\_ (name of complainant)

\_\_\_\_\_ (address of complainant)

\_\_\_\_\_

\_\_\_\_\_ (e-mail of complainant)

Dear \_\_\_\_\_:

Having heard the presentation of your appeal at Level Three, the Board took the following action at its meeting on \_\_\_\_\_ (date):

***[Note: When preparing the letter or announcing the decision at the Board meeting, include only one of the following sentences.]***

We have denied the appeal and have upheld the decision made by the Superintendent (or designee) at Level Two.

We have granted the appeal and have instructed the Superintendent to find a resolution in keeping with the remedy you seek.

We have partially denied and partially granted the appeal and have instructed the Superintendent as follows:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Sincerely,

\_\_\_\_\_  
President of the Board of Trustees

\_\_\_\_\_ School District