

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

Definitions

Days

For purposes of this policy, “days” shall mean District business days unless otherwise noted in this policy. In calculating timelines under this policy, the day a document is filed is “day zero.” The following business ~~calendar~~ day is “day one.”

Hearings
Committee

The School Board may delegate the authority to hear and decide a grievance to a committee of three or more Board members in accordance with Education Code 26A.001(d).

Superintendent

For the purposes of this policy, “Superintendent” shall mean the Superintendent or designee.

Complaints/
Grievances

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

Other Complaint
Processes

Student, ~~or parent,~~ or person standing in parental relation to a student ~~complaints-grievances~~ shall be filed in accordance with this policy, except as required by the policies listed below. A board member who is a parent or standing in parental relation to a student may file a grievance in accordance with this policy but shall not vote on matters relating to that grievance. Some of these policies require appeals to be submitted in accordance with FNG after the relevant ~~complaint-grievance~~ process:

- ~~Complaints-Grievances~~ alleging discrimination or harassment based on race, color, religion, sex, gender, national origin, age, disability, ancestry, marital status, veteran status, political affiliation, sexual orientation, gender identity, and/or gender expression, or any other basis prohibited by law, that adversely affects the student [see the FFH series] shall be submitted in accordance with the FFH series.
- ~~Complaints-Grievances~~ concerning dating violence shall be submitted in accordance with the FFH series.
- ~~Complaints-Grievances~~ concerning retaliation related to discrimination and harassment shall be submitted in accordance with the FFH series.
- ~~Complaints-Grievances~~ concerning cyberbullying, bullying, or retaliation related to bullying shall be submitted in accordance with FFI.
- ~~Complaints-Grievances~~ concerning failure to award credit or a final grade on the basis of attendance shall be submitted in accordance with FEC.
- ~~Complaints-Grievances~~ concerning removal to a disciplinary alternative education program (DAEP) shall be submitted in

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accordance with FOC and the Student Code of ~~Student~~ Conduct.

- ~~Complaints~~ Grievances concerning expulsion shall be submitted in accordance with FOD and the Student Code of ~~Student~~ Conduct.
- ~~Complaints~~ Grievances 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.
- ~~Complaints~~ Grievances within the scope of Section 504, including complaints concerning identification, evaluation, or educational placement of a student with a disability, shall be submitted in accordance with FB and the procedural safeguards handbook.
- ~~Complaints~~ Grievances within the scope of the Individuals with Disabilities Education Act, including complaints concerning identification, evaluation, educational placement, or discipline of a student with a disability, shall be submitted in accordance with EHBAE, FOF, and the procedural safeguards handbook provided to parents of or persons standing in parental relation to all students referred to special education.
- ~~Complaints~~ Grievances concerning instructional resources shall be submitted in accordance with the EF series.
- ~~Complaints~~ Grievances concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with the CKE series.
- ~~Complaints~~ Grievances concerning intradistrict transfers or campus assignment shall be submitted in accordance with FDB.
- ~~Complaints~~ Grievances concerning admission, placement, or services provided for a homeless student shall be submitted in accordance with FDC.
- ~~Complaints~~ Grievances concerning disputes regarding a student's eligibility for free or reduced-priced meal programs shall be submitted in accordance with COB.

**Refusal of Entry to
or Ejection from
District Property**

~~Complaints~~ Grievances to appeal 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~~ grievant to ad-

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dress the Board in person within 90 days of filing the initial ~~com-~~
~~plaint-grievance~~, unless the ~~complaint-grievance~~ is resolved before
the Board considers it. [See GKA(LEGAL)]

**Notice to Students,
~~and Parents, and~~
Persons Standing in
Parental Relation to
a Student**

The District shall inform students, ~~and~~ parents, and persons stand-
ing in parental relation to a student of this policy through appropri-
ate District publications.

Guiding Principles

Informal Process

The Board encourages students, ~~and~~ parents, and persons stand-
ing in parental relation to a student 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, ~~and~~ parent, or person standing in parental relation to a
student may initiate the formal process described below by timely
filing a written ~~complaint-grievance~~ form. [See FNG(EXHIBIT)]

Even after initiating the formal ~~complaint-grievance~~ process, ~~stu-~~
~~dents-and-parents-grievants~~ are encouraged to seek informal reso-
lution of their concerns. A ~~student-or-parent-grievant~~ whose con-
cerns are resolved may withdraw a formal ~~complaint-grievance~~ at
any time.

The process described in this policy shall not be construed to cre-
ate 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.

Conflict of Interest

A person who is the subject of a grievance shall not be involved in
reviewing that grievance. In such a case, the grievance shall be re-
viewed at a higher level.

Remand

At Level II or Level III, the grievance may be remanded to a lower
level of review to develop a record at any time.

**Freedom from
Retaliation**

Neither the Board nor any District employee shall unlawfully retali-
ate against any ~~student-or-parent-grievant~~ for bringing a concern or
~~complaint-grievance~~.

General Provisions

Filing

~~Complaint-Grievance~~ 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 re-
ceived by the appropriate administrator or designee by the close of

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business on the deadline. However, if a grievance is filed with an incorrect administrator but is otherwise timely, the grievance shall be directed to the appropriate administrator and considered timely. Filings submitted by electronic communication shall be timely filed if they are received on or before 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 postmarked 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. The ~~student or parent~~ grievant is expected to participate in each phase of the ~~complaint~~ grievance process. If the ~~student and parent~~ grievants are unable to attend a conference, they must seek prior written approval from the hearing officer to allow a representative to appear at the conference in their place or to seek a postponement of the hearing. Failure to obtain prior written approval shall result in dismissal of the dispute.

Withdrawal

A grievant may withdraw a dispute at any time. Once withdrawn, a dispute may not be reopened.

Unless modified by written mutual consent, a dispute shall be deemed withdrawn if a grievant fails to pursue the dispute or otherwise is deemed to be unreasonably protracting the process, including failure to attend a scheduled Level One or Level Two conference or Level Three hearing. Once withdrawn, a dispute cannot be reopened.

It is expected that a grievant will participate in each phase of the dispute resolution process.

If the grievant desires a representative to appear on the grievant's behalf, either in person or via telephone, the notice shall contain a statement indicating that the representative is authorized to proceed with the conference or hearing in the grievant's absence. Failure to attend a hearing without the prior notification described above will result in dismissal of the grievance. Once withdrawn, a dispute cannot be reopened.

Response

At Levels One and Two, "response" shall mean a written communication to the ~~student or parent~~ grievant from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the ~~student's or parent's~~ grievant's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

Representative

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“Representative” shall mean any person who or organization that is designated by the ~~student or parent~~ grievant to represent the ~~student or parent~~ grievant in the ~~complaint~~ grievance process. A student may be represented by an adult at any level of the ~~complaint~~ grievance.

The ~~student or parent~~ grievant may designate a representative through written notice to the District at any level of this process. If the ~~student or parent~~ grievant 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~~
Grievances

~~Complaints-Grievances~~ arising out of an event or a series of related events shall be addressed in one ~~complaint~~ grievance. A ~~student or parent~~ grievant shall not bring separate or serial ~~complaints~~ grievances arising from any event or series of events that have been or could have been addressed in a previous ~~complaint~~ grievance.

Untimely Filings

All time limits shall be strictly followed unless modified by mutual written consent.

If a ~~complaint~~ grievance form or appeal notice is not timely filed, the ~~complaint~~ grievance may be dismissed, on written notice to the ~~student or parent~~ grievant, at any point during the ~~complaint~~ grievance process. The ~~student or parent~~ grievant may appeal the dismissal by seeking review in writing within ~~40-20~~ days from the date of the written dismissal notice, starting at the level at which the ~~complaint~~ grievance 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~~ grievance.

~~Complaint~~
Grievance and
Appeal Forms

~~Complaints-Grievances~~ 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~~ grievance should be attached to the ~~complaint~~ grievance form. If the ~~student or parent~~ grievant 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~~ grievant unless the ~~student or parent~~ grievant did not know the documents existed before the Level One conference.

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A ~~complaint~~-grievance 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~~-Grievance forms must be filed:

- Within ~~15-60~~ days of the date the ~~student or parent~~-grievant first knew, or ~~with reasonable diligence should have known~~, had reason to know of the decision or action giving rise to the ~~complaint or~~-grievance, or, if the grievant sought an informal resolution, the later of:
 - 90 days from the date the grievant first knew or had reason to know of the decision or action giving rise to the grievance; or
 - 30 days from the date on which the district provided information to the grievant regarding how to file the grievance. ~~;~~ and
- With the lowest level administrator who has the authority to remedy the alleged problem.

In most circumstances, ~~students and parents~~-grievants shall file Level One ~~complaints~~-grievances with the campus principal or designee.

If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the ~~complaint~~-grievance may begin at Level Two following the procedure, including deadlines, for filing the ~~complaint~~-grievance form at Level One.

If the ~~complaint~~-grievance is not filed with the appropriate administrator, the receiving administrator must note the date and time the ~~complaint~~-grievance form was received and immediately forward the ~~complaint~~-grievance form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and schedule a conference with the ~~student or parent~~-grievant within 10 days ~~after receipt~~ of when the ~~written complaint~~-grievance was filed. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the ~~student or parent~~-grievant a written response within ~~10-20~~ days following the conference. The written response shall set forth the basis of the decision and include information regarding filing an appeal, including the timeline to appeal under Education Code 26A.002 and Section 7.057, if applicable. In reaching a decision,

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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~~grievance.

Level Two

If the ~~student or parent~~grievant did not receive the relief requested at Level One or if the time for a response has expired, the ~~student or parent~~grievant may request a Level Two 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 ~~10-20~~ days of the date of the written Level One response or, if no response was received, within ~~10-20~~ days of the Level One response deadline. The grievant may supplement the record with additional documents or add additional claims.

~~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:~~

- ~~• The original complaint form and any attachments.~~
- ~~• All other documents submitted by the student or parent at Level One.~~
- ~~• The written response issued at Level One and any attachments.~~
- ~~• All other documents relied upon by the Level One administrator in reaching the Level One decision.~~

~~The Superintendent or designee shall initiate the Level Two hearing scheduling process by contacting both parties within 10 days after the appeal notice is filed to determine availability and a mutually agreed upon date and time for the hearing. The timelines at~~ Level Two shall run from the date the appeal request is received. The Superintendent or designee, in consultation with the Superintendent's appropriate direct report, shall identify the Level Two hearing officer, who may or may not be a current District employee.

~~The conference shall be limited to the issues raised in the FNG Dispute Resolution Form and documents presented at the Level One conference. At the conference, the~~ student or parent grievant 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.

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The conference is not an evidentiary or due process hearing. There shall be no cross-examination of witnesses. The ~~student or parent~~ grievant shall be allotted a specific amount of time to present their concerns. The ~~student or parent~~ grievant may also present witnesses and may submit any available documentation. The administration shall be allotted the same amount of time to present its position and shall be allowed to present witnesses and submit any documentation on the issues addressed at the conference.

The Superintendent or designee shall provide the ~~student or parent~~ grievant a written response within ~~10-20~~ days following ~~the Superintendent or designee's receipt of the court reporter's transcript of~~ the Level Two hearing, unless otherwise mutually agreed upon between the parties and the hearing officer. The written response shall set forth the basis of the decision and include information regarding filing an appeal, including the timeline to appeal under Education Code 26A.002 and Section 7.057, if applicable. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the ~~complaint~~ grievance. In the event the Level Two hearing officer's decision is adverse to the administration, the administration may appeal the decision to Level Three.

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

It is expected for the grievant to participate in each phase of the dispute resolution process. Therefore, if the grievant is unable to attend a conference, the grievant must seek prior written approval from the hearing officer to allow a representative to appear at the conference in the grievant's place or to seek a postponement of the hearing. Failure to obtain prior written approval will result in dismissal of the dispute.

Level Three

If the ~~student or parent~~ grievant did not receive the relief requested at Level Two or if the time for a response has expired, the ~~student or parent~~ grievant may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ~~10-20~~ days of the date of the written Level Two response or, if no response was received, within ~~10-20~~ days of the Level Two response deadline. The grievant may supplement the record with additional documents or add additional claims.

The Board shall not conduct a Level Three hearing until after a Level Two hearing has been convened, and a transcript of the hearing is available for the Board's review. However, the Board

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shall conduct the Level III hearing within 60 days of the Level II decision.

The Superintendent or designee shall inform the ~~student or parent~~ grievant of the date, time, and place of the Board meeting at which the ~~complaint~~ grievance 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~~ grievant may request a copy of the Level Two record.

The Level Two record shall include:

- The Level One record.
- The notice of appeal from Level One to Level Two.
- The written response issued at Level Two and any attachments.
- 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~~ if at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the ~~student or parent~~ grievant notice of the nature of the evidence at least ~~three~~ five days before the hearing.

The District shall determine whether the ~~complaint~~ grievance 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~~ grievant and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the ~~complaint~~ grievance 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~~ grievant or the ~~student's~~ grievant'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.

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The Board shall then consider the ~~complaint~~grievance. ~~It may~~ The Board shall give notice of its decision within 30 days following the Level Three hearing ~~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.~~