

KILLEEN ISD

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STUDENT RIGHTS AND RESPONSIBILITIES: FNG
STUDENT AND PARENT COMPLAINTS/GRIEVANCES (LOCAL)

GUIDING
PRINCIPLES

INFORMAL
PROCESS

The Board encourages students and parents to discuss concerns and complaints through informal conferences with the appropriate teacher, principal, or other campus administrator.

Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

FORMAL
PROCESS

If an informal conference regarding a complaint fails to reach the outcome requested by a student or parent, the 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 or 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 an evidentiary hearing or "mini-trial" at any level.

FREEDOM FROM
RETALIATION

Neither the Board nor any District employee shall unlawfully retaliate against a student or parent for bringing a concern or complaint.

NOTICE TO
STUDENTS AND
PARENTS

Parents and students will be informed of this policy through the student handbook.

APPLICATION

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

SPECIFIC
COMPLAINTS

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

For more information on how to proceed with complaints regarding:

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 the Student Code of Conduct.
4. Expulsion, see 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 nonschool 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 terms "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 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 postmarked by U.S. Mail on the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

RESPONSE

The term "response" or "decision" shall have the same meaning. 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, or sent by U.S. Mail to the student or parent's mailing address of record. Mailed or responses shall be timely if they are postmarked by U.S. Mail on the deadline.

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."

REPRESENTATIVE "Representative" means any person or organization 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.

GENERAL PROVISIONS

Complaints arising out of an event or a series of related events shall be addressed in one complaint. Students or parents 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.

The District may consolidate complaints when two or more complaints are similar in nature and remedy sought.

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, they 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.

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

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 address 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 a timely written complaint. The Level One conference shall be recorded by audio tape.

The administrator shall have ten days following the conference to provide the student or parent a written response. Documents in support of the administration's position may be provided with the Level One response.

LEVEL TWO

If the student or parent did not receive the relief requested at Level One, 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. An untimely notice of appeal will be dismissed without a conference by written notice to the student or parent.

Upon receipt of a timely appeal notice, the Superintendent or designee shall review the record to determine whether all requested relief was granted at Level One. If upon review of the record to that point, the Superintendent or designee determines that all requested relief was granted at Level One, he or she may dismiss the appeal without a conference by written notice to the student or parent.

If the student or parent was not provided all the relief requested 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 by the student or parent 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. Documents in support of the administration's position may be provided with the Level Two response.

LEVEL THREE

If the student or parent did not receive the relief requested at Level Two, 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. An untimely notice of appeal will be dismissed by written notice to the student or parent from the Superintendent.

Upon receipt of a timely appeal notice, the Superintendent shall review the record to determine whether all requested relief was granted at Level Two. If upon review of the record to that point, the Superintendent determines that all requested relief was granted at Level Two, he or she may, in consultation with the Board President, dismiss the appeal by written notice to the student or parent.

If the student or parent was not provided all the relief requested at Level Two, the Superintendent 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 consideration by the Board.

The Board's consideration is limited to a review of the record of the complaint. Prior to or at the meeting, the Superintendent or designee shall provide the Board with copies of the complaint form, all written responses, all appeal notices, and all written documentation previously submitted by the student or parent or the administration.

At its meeting, the Board shall review the record of the complaint. The Board may act in response to the complaint or choose to take no action, which has the effect of upholding the administrative decision at Level II. The Board's decision is final.

A student or parent may not use the public comment portion of the Board meeting to circumvent this policy by making an oral

presentation of a complaint being reviewed by the Board. [See BED]

The Board shall determine whether the complaint will be considered in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

ORAL
PRESENTATIONS

The Board will allot time, usually ten minutes each, for the student or parent and administration, if desired, to make oral presentations to the Board. The presentations before the Board, including the student, parent, or representative's argument, any presentation from the administration, and questions from the Board with responses shall be recorded by audio tape, video/audio tape, or court reporter. The Board's deliberations shall not be recorded.

The Board 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]

After hearing the presentations, the Board will consider the complaint but is not required to respond or take any action on the matter. The lack of a response by the Board or Board inaction upholds the administrative decision at Level Two. The Board's decision is final.

DATE ISSUED:
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