

Comanche Independent School District

Parent/Student Complaint Form

Level One

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

1. Student's Name: _____
2. Parent's Name: _____
3. Address: _____
4. Telephone Number(s): _____
5. Email Address: _____
6. Campus: _____
7. If you will be represented in voicing your complaint, please identify the person representing you:

Name: _____

Address: _____

Telephone: _____

8. Please describe the decision or circumstances causing your complaint, giving specific factual details. (Use additional pages if necessary)

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

10. Explain specifically how your child was harmed or injured by the facts that you provided in response to item 8 above.

11. Please describe any efforts you have made to resolve your complaint informally and responses to your efforts.

12. Identify the remedy you seek for this complaint. In other words, what do you want us to do in response to your complaint.

Student or Parent Signature

Signature of student's or Parent's representative.

Date of filing: _____

Complainant, please note:

A complaint 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.

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.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LEGAL)

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Note: For provisions regarding parental rights, see FA. For provisions concerning students with disabilities, see EHBAB. For provisions concerning student discipline, see the FO series. For provisions concerning student records, see FL.

United States
Constitution

A district shall take no action abridging the freedom of speech or the right of the people to petition the board for redress of grievances. *U.S. Const. Amend. I, XIV* [See FNA]

A board may confine its meetings to specified subject matter and may hold nonpublic sessions to transact business. But when a board sits in public meetings to conduct public business and hear the views of citizens, it may not discriminate between speakers on the basis of the content of their speech or the message it conveys. *Rosenberger v. Rector & Visitors of Univ. of Virginia*, 515 U.S. 819, 828 (1995); *City of Madison v. Wis. Emp. Rel. Comm'n*, 429 U.S. 167, 174 (1976); *Pickering v. Bd. of Educ.*, 391 U.S. 563, 568 (1968)

Texas Constitution

Citizens shall have the right, in a peaceable manner, to assemble together for their common good and to apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address, or remonstrance. *Tex. Const. Art. I, Sec. 27*

There is no requirement that a board negotiate or even respond to complaints. However, a board must stop, look, and listen and must consider the petition, address, or remonstrance. *Profl Ass'n of College Educators v. El Paso County Cmty. College Dist.*, 678 S.W.2d 94 (Tex. App.—El Paso 1984, writ *ref'd n.r.e.*)

Federal Laws
Section 504

A district that receives federal financial assistance, directly or indirectly, and that employs 15 or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973. 34 C.F.R. 104.7(b)

Americans with
Disabilities Act

A district that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by the Code of Federal Regulations, Title 28, Part 35 (Americans with Disabilities Act regulations). 28 C.F.R. 35.107

Title IX

A district that receives federal financial assistance, directly or indirectly, must adopt and publish grievance procedures providing for prompt and equitable resolution of student complaints alleging any

Denial of Class
Credit or Final Grade

If a student is denied credit or a final grade for a class by an attendance committee, the student may appeal the decision to the board. *Education Code 25.092(d)* [See FEC]

Complaints Against
Professional
Employees

A person may not file suit against a professional employee of a district unless the person has exhausted the district's remedies for resolving the complaint. *Education Code 22.0514*

"Professional employee of a district" includes:

1. A superintendent, principal, teacher, including a substitute teacher, supervisor, social worker, school counselor, nurse, and teacher's aide employed by a district;
2. A teacher employed by a company that contracts with a district to provide the teacher's services to the district;
3. A student in an education preparation program participating in a field experience or internship;
4. A DPS-certified school bus driver;
5. A member of the board; and
6. Any other person whose employment by a district requires certification and the exercise of discretion.

Education Code 22.051(a)

Comanche ISD 047901	Comanche ISD 047901	FNG (LEGAL)	FNG (LEGAL)
STUDENT RIGHTS AND RESPONSIBILITIES STUDENT AND PARENT COMPLAINTS/GRIEVANCES	STUDENT RIGHTS AND RESPONSIBILITIES STUDENT AND PARENT COMPLAINTS/GRIEVANCES		
Finality of Grades	An examination or course grade issued by a classroom teacher is final and may not be changed unless the grade is arbitrary, erroneous, or not consistent with a district's grading policy applicable to the grade, as determined by the board. A board's determination is not subject to appeal. This provision does not prohibit an appeal related to a student's eligibility to participate in extracurricular activities under Education Code 33.081. [See FM] <i>Education Code 28.0214</i>	Disruption	It is a criminal offense for a person, with intent to prevent or disrupt a lawful meeting, to substantially obstruct or interfere with the ordinary conduct of a meeting by physical action or verbal utterance and thereby curtail the exercise of others' First Amendment rights. <i>Penal Code 42.05; Morehead v. State, 807 S.W. 2d 577 (Tex. Crim. App. 1991)</i>

Closed Meeting	A board may conduct a closed meeting on a parent or student complaint to the extent required or provided by law. <i>Gov't Code Ch. 551, Subch. D [See BEC]</i>		
Record of Proceedings	An appeal of a board's decision to the commissioner of education shall be decided based on a review of the record developed at the district level. "Record" includes, at a minimum, an audible electronic recording or written transcript of all oral testimony or argument. <i>Education Code 7.057(c), (f)</i> It is a district's responsibility to make and preserve the records of the proceedings before the board. If a district fails to create and preserve the record without good cause, all substantial evidence issues that require missing portions of the record for resolution shall be deemed against the district. The record shall include: 1. A tape recording or a transcript of the hearing at the local level. If a tape recording is used: a. The tape recording must be complete, audible, and clear; and b. Each speaker must be clearly identified. 2. All evidence admitted; 3. All offers of proof; 4. All written pleadings, motions, and intermediate rulings; 5. A description of matters officially noticed; 6. If applicable, the decision of the hearing examiner; 7. A tape recording or transcript of the oral argument before the board; and 8. The decision of the board. <i>19 TAC 157.1073(d)</i>		