



# Complaint/Grievance Policy

## COMPLAINTS

In this policy, the terms “complaint” and “grievance” shall have the same meaning. Program participant complaints shall be filed in accordance with this policy.

## NOTICE TO PROGRAM PARTICIPANTS

The Program shall inform program participants of this policy by information posted in program handbooks, in the physical facility, on the website or, upon request, written information.

## GUIDING PRINCIPLES INFORMAL PROCESS

The Program encourages program participants to discuss their concerns with the appropriate Program employee who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible level.

Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

## FORMAL PROCESS

A program participant may initiate the formal process described below by timely filing a written complaint form.

Even after initiating the formal complaint process, program participants are encouraged to seek informal resolution of their concerns. A program participant 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 Program policy, nor to require a full evidentiary hearing or “mini-trial” at any level.

## FREEDOM FROM RETALIATION

Neither the Program nor any Program employee shall unlawfully retaliate against any program participant 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 Program employee 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 and time shown on the electronic communication. Mail filings shall be timely filed if they postmarked by the U.S. Mail on or before the deadline and received by the appropriate Program employee no more than three days after the deadline.

SCHEDULING CONFERENCES	The Program shall make reasonable attempts to schedule conferences at a mutually agreeable time. If a program participant fails to appear at a scheduled conference, the Program may hold the conference and issue a decision in the program participant's absence.
RESPONSE	At Levels One and Two, "response" shall mean a written communication to the program participant from the appropriate Program employee. Responses may be hand-delivered, sent by electronic communication to the program participant's e-mail address of record, or sent by U.S. Mail to the program participant's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.
DAYS	"Days" shall mean Program 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".
REPRESENTATIVE	<p>"Representative" shall mean any person who or organization that is designated by the program participant to represent the program participant in the complaint process.</p> <p>The program participant may designate a representative through written notice to the Program at any level of this process. If the program participant designates a representative with fewer than three days' notice to the Program before a scheduled conference or hearing to a later date, if desired, in order to include the Program's counsel. The Program may be represented by counsel at any level of the process.</p>
CONSOLIDATING COMPLAINTS	Complaints arising out of an event or series of related events shall be addressed in one complaint. A program participant 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.
UNTIMELY FILINGS	<p>All time limits shall be strictly followed unless modified by mutual written consent.</p> <p>If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the program participant, at any point during the complaint process. The program participant 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 an appeal shall be limited to the issue of timeliness.</p>
COST 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 Program.

Copies of any documents that support the complaint should be attached to the complaint form. If the program participant 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 support unless the program participant 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:

1. Within 15 days of the date the program participant first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the Coordinator of Certification who has the authority to remedy the alleged problem.

If the complaint is in regards to the Coordinator of Certification, the complaint may begin at Level Two with the Director of Teaching, Learning, and Certification.

The Coordinator of Certification shall investigate as necessary and schedule a conference with the program participant within ten days after receipt of the written complaint. The Coordinator of Certification may set reasonable time limits for the conference.

Absent extenuating circumstances, the Coordinator of Certification shall provide the program participant a written response within ten days following the conference. In reaching a decision, the Coordinator of Certification may consider information provided at the Level One conference and any other relevant documents or information the Coordinator of Certification believes will help resolve the complaint.

## LEVEL TWO

If the program participant did not receive the relief requested at Level One or if the time for a response has expired, the program participant may request a conference with the Director of Teaching, Learning, and Certification or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the Program, 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 decision.

After receiving notice of the appeal, the Coordinator of Certification shall prepare and forward a record of the Level One complaint to the Director of Teaching, Learning, and Certification or designee. The program participant 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 program participant at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Coordinator of Certification in reaching the Level One decision.

The Director of Teaching, Learning, and Certification 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 program participant may provide information concerning any documents or information relied upon by the Program employee for the Level One decision. The Director of Teaching, Learning, and Certification or designee may set reasonable time limits for the conference.

The Director of Teaching, Learning and Certification or designee shall provide the program participant a written response within ten days following the conference.

In reaching a decision, the Director of Teaching, Learning, and Certification or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Director of Teaching, Learning, and Certification 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.

If the complaint is in regards to the Director of Teaching, Learning and Certification, the complaint may begin at Level Three with the Deputy Director of Instructional Services.

### LEVEL THREE

If the program participant did not receive the relief requested at Level Two or if the time for a response has expired, the program participant may request a conference with the Deputy Director of Instructional Services or designee to

appeal the Level Two decision.

The appeal notice must be filed in writing, on a form provided by the Program, 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 decision.

After receiving notice of the appeal, the Director of Teaching, Learning and Certification shall prepare and forward a record of the Level Two complaint to the Deputy Director of Instructional Services or designee. The program participant may request a copy of the Level Two record.

The Level Two record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the program participant at Level One and Two.
3. The written response issued at Level Two and any attachments.
4. All other documents relied upon by the Director of Teaching, Learning and Certification in reaching the Level Two decision.

The Deputy Director of Instructional Services 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 Two. At the conference, the program participant may provide information concerning any documents or information relied upon by the Director of Teaching, Learning and Certification for the Level Two decision. The Deputy Director of Instructional Services or designee may set reasonable time limits for the conference.

The Deputy Director of Instructional Services or designee shall provide the program participant a written response within ten days following the conference.

In reaching a decision, the Deputy Director of Instructional Services or designee may consider the Level Two record, information provided at the Level Three conference, and any other relevant documents or information the Deputy Director of Instructional Services or designee believes will help resolve the complaint.

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

If the complaint is in regards to the Deputy Director of Instructional Services, the complaint may go directly to Level Four.

## LEVEL FOUR

If the program participant did not receive the relief requested at Level Three or if the time for a response has expired, the program participant may request a conference with the Executive Director of ESC Region 11 or designee to appeal the Level Three decision.

The appeal notice must be filed in writing, on a form provided by the Program, within ten days of the date of the written Level Three response or, if no response was received, within ten days of the Level Three decision.

After receiving notice of the appeal, the Deputy Director of Instructional Services shall prepare and forward a record of the Level Three complaint to the Executive Director of ESC Region 11 or designee. The program participant may request a copy of the Level Three record.

The Level Three record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the program participant at Level One Two, and Three.
3. The written response issued at Level Three and any attachments.
4. All other documents relied upon by the Deputy Director of Instructional Services in reaching the Level Three decision.

The Executive Director of ESC Region 11 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 Three. At the conference, the program participant may provide information concerning any documents or information relied upon by the Deputy Director of Instructional Services for the Level Three decision. The Executive Director of ESC Region 11 or designee may set reasonable time limits for the conference.

The Executive Director of ESC Region 11 or designee shall provide the program participant a written response within ten days following the conference.

In reaching a decision, the Executive Director of ESC Region 11 or designee may consider the Level Three record, information provided at the Level Three conference, and any other relevant documents or information the Executive Director of ESC Region 11 or designee believes will help resolve the complaint.

## COMPLAINTS TO THE TEXAS EDUCATION AGENCY

If the program participant is not satisfied with the complaint process or outcome, the program participant may file a complaint against the Program with the Texas Education Agency. The official Texas Education Agency complaint process can be found at [http://tea.texas.gov/About\\_TEA/Contact\\_Us/Complaints/Complaints/](http://tea.texas.gov/About_TEA/Contact_Us/Complaints/Complaints/).