Stockdale ISD 247906		
STUDENT RIGHTS AND RESPONSIBILITIESFNGSTUDENT AND PARENT COMPLAINTS/GRIEVANCES(LEGAL)		
United States Constitution	A district shall take no action abridging the freedom of spe the right of the people to petition the board for redress of grievances. <i>U.S. Const. Amend. I, XIV</i> [See FNA]	ech or
	A board may confine its meetings to specified subject mat may hold nonpublic sessions to transact business. But wh board sits in public meetings to conduct public business a the views of citizens, it may not discriminate between spec the basis of the content of their speech or the message it <u>Rosenberger v. Rector & Visitors of Univ. of Virginia</u> , 515 (828 (1995); <u>City of Madison v. Wis. Emp. Rel. Comm'n</u> , 42 167, 174 (1976); <u>Pickering v. Bd. of Educ.</u> , 391 U.S. 563, (1968)	en a nd hear akers on conveys. U.S. 819, 29 U.S.
Texas Constitution	Citizens shall have the right, in a peaceable manner, to as together for their common good and to apply to those investive powers of government for redress of grievances or oth poses, by petition, address, or remonstrance. <i>Tex. Const. Sec. 27</i>	ested with her pur-
	There is no requirement that a board negotiate or even re complaints. However, a board must stop, look, and listen a consider the petition, address, or remonstrance. <u>Prof'l Ass</u> <u>lege Educators v. El Paso County Cmty. [College] Dist.</u> , 62 S.W.2d 94 (Tex. App.—El Paso 1984, writ ref'd n.r.e.)	and must s <i>'n of Col-</i>
Federal Laws Section 504	A district that receives federal financial assistance, directly rectly, and that employs 15 or more persons shall adopt g procedures that incorporate appropriate due process stan and that provide for the prompt and equitable resolution or plaints alleging any action prohibited by Section 504 of the bilitation Act of 1973. <i>34 C.F.R. 104.7(b)</i>	rievance dards f com-
Americans with Disabilities Act	A district that employs 50 or more persons shall adopt and grievance procedures providing for prompt and equitable of complaints alleging any action that would be prohibited Code of Federal Regulations, Title 28, Part 35 (Americans abilities Act regulations). <i>28 C.F.R. 35.107</i>	resolution by the
Title IX	A district that receives federal financial assistance, directly rectly, must adopt and publish grievance procedures proviprompt and equitable resolution of student complaints alle action prohibited by Title IX of the Education Amendments <i>34 C.F.R. 106.8(b)</i> [See FB and FFH]	iding for ging any
Education Code Chapter 26	Parents are partners with educators, administrators, and t in their children's education. Parents shall be encouraged tively participate in creating and implementing educationa grams for their children. <i>Education Code 26.001(a)</i>	to ac-

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	eduo	ess otherwise provided by law, a board, an administrator, an cator, or other person may not limit parental rights. <i>Education ie 26.001(c)</i>		
"Parent" Defined	"pare not i beer cess law, catic cisee bilitie Fam to be	purposes of Education Code Chapter 26 (Parental Rights), ent" includes a person standing in parental relation, but does include a person as to whom the parent-child relationship has in terminated or a person not entitled to possession of or ac- s to a child under a court order. Except as provided by federal all rights of a parent under Education Code Title 2 and all edu- onal rights under Family Code 151.001(a)(10) shall be exer- d by a student who is 18 years of age or older or whose disa- es of minority have been removed for general purposes under hily Code Chapter 31, unless the student has been determined e incompetent or the student's rights have been otherwise re- ted by a court order. <i>Education Code 26.002</i>		
Complaint Procedures		pard shall provide for procedures to consider complaints that a ent's right has been denied. <i>Education Code 26.001(d)</i>		
	A board shall adopt a grievance procedure under which the board shall address each complaint that it receives concerning a violation of a right guaranteed by Education Code Chapter 26 (Parental Rights).			
	The board is not required by the provision above or Education Code 11.1511(b)(13) (requiring adoption of a process to hear com- plaints) to address a complaint concerning a student's participation in an extracurricular activity that does not involve a violation of a right guaranteed by Education Code Chapter 26. This provision does not affect a claim brought by a parent under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) or a successor federal statute addressing special education services for a child with a disability.			
	Edu	cation Code 26.011		
Parental Rights	Pare	ental rights listed in Education Code Chapter 26 are:		
	1.	Rights concerning academic programs. <i>Education Code</i> 26.003 [See EHA, EIF, FDB, and FMH]		
	2.	Access to student records. Education Code 26.004 [See FL]		
	3.	Access to state assessments. <i>Education Code 26.005</i> [See EKB]		
	4.	Access to teaching materials and test results, and observation		

4. Access to teaching materials and test results, and observation of virtual instruction. *Education Code 26.006* [See EF and EKB]

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	5.	Access to board meetings, other than a closed meeting under the Open Meetings Act. <i>Education Code 26.007</i> [See BE and BEC]
	6.	Right to full information concerning a student. <i>Education Code 26.008</i> [See DF, FFE, and FM]
	7.	Right to information concerning special education and educa- tion of students with learning disabilities. <i>Education Code</i> <i>26.0081</i> [See FB]
	8.	Requests for public information. <i>Education Code 26.0085</i> [See GBA]
	9.	Consent required for certain activities. <i>Education Code</i> 26.009 [See EHA, FFE, FL, FM, and FO]
	10.	Refusal of psychiatric or psychological treatment of child as basis for report of neglect. <i>Education Code 26.0091</i> [See FFG]
	11.	Exemption from instruction. <i>Education Code 26.010</i> [See EMB]
Right to Attend School Activities	Unless limited by court order, a parent appointed as a conservator of a child has at all times the right to attend school activities, including school lunches, performances, and field trips. <i>Family Code 153.073(a)(6)</i>	
Objection to School Assignment	The parent or person standing in parental relation to any student may object to the student's school assignment. Upon receiving a written petition to request or object to a student's assignment, a board shall follow the procedures set forth at Education Code 25.034. <i>Education Code 25.033(2), .034</i> [See FDB]	
Challenge to Education Records	A district shall give a parent or eligible student, on request, an op- portunity for a hearing to challenge the content of the student's ed- ucation records on the grounds that the information contained in the records is inaccurate, misleading, or in violation of the privacy rights of the student. <i>34 C.F.R. 99.21</i> [See FL]	
Denial of Class Credit or Final Grade	If a student is denied credit or a final grade for a class by an at- tendance committee, the student may appeal the decision to the board. <i>Education Code 25.092(d)</i> [See FEC]	
Complaints Against Professional Employees	trict u	rson may not file suit against a professional employee of a dis- unless the person has exhausted the district's remedies for re- ng the complaint. <i>Education Code 22.0514</i>
	"Prof	fessional employee of a district" includes:

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	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 dis- trict 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.
	Educ	cation Code 22.051(a)
Finality of Grades	final error	xamination or course grade issued by a classroom teacher is and may not be changed unless the grade is arbitrary, neous, or not consistent with a district's grading policy icable to the grade, as determined by the board.
	does	ard's determination is not subject to appeal. This provision not prohibit an appeal related to a student's eligibility to par- ate in extracurricular activities under Education Code 33.081. FM]
	Educ	cation Code 28.0214
Public Information Requests	matio Code com	strict that receives a request from a parent for public infor- on relating to the parent's child shall comply with Government e Chapter 552 (Public Information Act). A district shall also ply with the deadlines and provisions set forth at Education e 26.0085. <i>Gov't Code Ch. 552; Education Code 26.0085</i>
Closed Meeting	com	ard may conduct a closed meeting on a parent or student plaint to the extent required or provided by law. <i>Gov't Code Ch. Subch. D</i> [See BEC]
Record of Proceedings	shall distri troni	ppeal of a board's decision to the commissioner of education be decided based on a review of the record developed at the ict level. "Record" includes, at a minimum, an audible elec- c recording or written transcript of all oral testimony or argu- t. <i>Education Code 7.057(c), (f)</i>
	the p prese issue	a district's responsibility to make and preserve the records of proceedings before the board. If a district fails to create and erve the record without good cause, all substantial evidence es that require missing portions of the record for resolution be deemed against the district. The record shall include:
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	 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.			
	19 TAC 157.1073(d)			
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 ordi- nary 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.</i> <i>App. 1991)</i>			
	Note: See EHBAB for provisions concerning students with disabilities; see the FO series for provisions concerning student discipline; see FL for provisions concerning student records.			