

United States Constitution

Heritage Academy shall take no action abridging the freedom of speech or the right of people to petition the Board for redress of grievances. *U.S. Const. Amend. I, XIV.*

The Board may confine its meetings to specified subject matter, and may hold non-public sessions to transact business. When the 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 (1995); City of Madison v. Wis. Emp. Rel. Comm'n, 429 U.S. 167 (1976); Pickering v. Bd. of Educ., 391 U.S. 563 (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.*

Complaints

In this policy, the “days” shall mean Heritage Academy calendar days.

Administrators addressing citizen complaints will attempt to resolve these complaints at the lowest possible level. If an administrator determines that additional time is needed to complete a thorough investigation of the complaint and/or to issue a response, the administrator shall inform the complainant in writing of the necessity to extend the time to respond and a specific date by when the response will be issued.

The Board encourages the public to discuss concerns and complaints through informal conferences with the appropriate administrator. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Filing a Complaint

If an informal conference regarding a complaint fails to reach the outcome requested by an individual, he or she may initiate the formal complaint process by timely filing a written complaint form. Complaint forms and appeal notices must be filed in the following manner:

An individual may designate a representative through written notice to Heritage Academy at any level of this process. If the individual designates a representative with fewer than three days’ written notice to Heritage Academy before a scheduled conference or hearing, Heritage Academy may reschedule the conference or hearing to

a later date. Heritage Academy may be represented by counsel at any level of the process.

Level One Complaint

A student or parent who has a complaint that could not be resolved informally shall request a conference with the Campus Principal by filing the complaint in writing on a form provided by the school. The form must be filed with the school office within seven days of the time the student or parent knew, or should have known, of the event or series of events about which the student or parent is complaining. 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 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 way may be dismissed, but may be re-filed with all the requested information if the re-filing is within the designated time for filing a complaint.

The Campus Principal shall hold a conference with the student or parent within seven days of the request. The seven-day timeframe for holding the Level One conference may be extended if mutually agreed to by both the student or parent and the Campus Principal. An adult may represent a student at this and any level of the complaint.

The Campus Principal shall have seven days following the Level One conference within which to respond. Announcement of a decision in the student's or parent's presence shall constitute communication of the decision.

Should the complaint involve a problem with the Campus Principal, then the Level One complaint form should be submitted to the Human Resources Department at the following address:

Heritage Academy
Complaint: Level One
Attn: Human Resources Department
12470 Woman Hollering Rd.
Schertz, TX 78154

Level Two Complaint

If the outcome of the Level One conference with the Campus Principal is not to the student's or parent's satisfaction or the time for a response has expired, the student or parent may appeal the Level One decision to the Director of Student Services by filing the appeal notice in writing on a form provided by the school.

The appeal notice must include a copy of the Level One complaint, a copy of the Level One decision being appealed (if applicable), and a copy of any documents presented at the Level One conference.

The appeal notice must be postmarked to the following address within seven days following receipt of a response or, if no response is received, within seven days of the response deadline:

Heritage Academy
Complaint: Level Two
Attn: Human Resources Department
12470 Woman Hollering Rd.
Schertz, TX 78154

The Director of Student Services or designee shall hold a conference with the student or parent within seven days of the appeal notice. The seven-day timeframe for holding the Level Two conference may be extended if mutually agreed to by both the student or parent and the Director of Student Services or designee.

The Director of Student Services or designee shall have seven days following the Level Two conference within which to respond. Announcement of a decision in the student's or parent's presence shall constitute communication of the decision.

Level Three Complaint

If the outcome of the Level Two conference with the Director of Student Services or designee is not to the student's or parent's satisfaction or the time for a response has expired, the student or parent may appeal the Level Two decision to the Superintendent by filing the appeal notice in writing on a form provided by the school. The appeal notice must include a copy of the Level One complaint, a copy of the Level Two appeal notice, a copy of the Level One and Level Two decisions being appealed (if applicable), and a copy of any documents presented at the Level One and Level Two conferences.

The appeal notice must be postmarked to the following address within seven days following receipt of a response or, if no response is received, within seven days of the response deadline:

Heritage Academy
Complaint: Level Three
Attn: Human Resources Department
12470 Woman Hollering Rd.
Schertz, TX 78154

The Superintendent or designee shall hold a conference with the student or parent within 14 days of the appeal notice. The 14-day timeframe for holding the Level Three conference may be extended if mutually agreed to by both the student or parent and the Superintendent or designee. The Level Three conference may be held via telephone or video conference at the discretion of the Superintendent.

The Superintendent or designee shall have seven days following the Level Three conference within which to respond. Announcement of a decision in the student's or parent's presence shall constitute communication of the decision.

Level Four Complaint

If the outcome of the Level Three conference with the Superintendent or designee is not to the student's or parent's satisfaction or the time for a response has expired, the student or parent may appeal the Level Three decision to the Board of Directors by filing the appeal notice in writing on a form provided by the school. The appeal notice must include a copy of the Level One complaint; a copy of the Level Two and Level Three appeal notices; a copy of the Level One, Level Two, and Level Three decisions being appealed (if applicable); and a copy of any documents presented at the Level One, Level Two, and Level Three conferences.

The appeal notice must be postmarked to the following address within seven days following receipt of a response or, if no response is received, within seven days of the response deadline:

Heritage Academy
Complaint: Level Four
Attn: Human Resources Department
12470 Woman Hollering Rd.
Schertz, TX 78154

The appeal will then be placed on the agenda of a future Board meeting. The Superintendent or designee shall inform the student or parent of the date, time, and place of the meeting.

The Board of Directors is not required to consider documentation not previously submitted or issues not previously presented. The presiding officer may set reasonable time limits. The Board of Directors shall hear the complaint and may request a response from the school. The school shall make an audiotape record of the Level Four proceedings before the Board of Directors. The Board is Heritage Academy's final authority to hear or decide citizen complaints. 19 Tex. Admin. Code

§ 100.1033(13)(C)(i). The Board of Directors shall then make and communicate its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If for any reason the Board of Directors fails to reach a decision regarding the complaint by the end of the next regularly scheduled Board meeting, the lack of a response by the Board of Directors upholds the decision at Level Three.

If the complaint involves concerns or charges regarding an employee, it shall be heard by the Board of Directors in closed meeting unless the employee to whom the complaint pertains requests that it be heard in public.

Response to Complaints

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

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 a full evidentiary hearing or “mini-trial” at any level.

Consolidating Complaints

Complaints arising out of an event or a series of related events shall be addressed in one complaint. Heritage Academy may consolidate separate or serial complaints that have been or could have been addressed in a previous complaint.

Untimely Filings

If a written complaint or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the individual, at any point during the complaint process. The individual 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 appeal shall be limited to the issue of timeliness.

Freedom from Retaliation

Neither the Board nor any Heritage Academy employee shall unlawfully retaliate against any individual for bringing a concern or complaint.