

Boerne ISD
130901

PUBLIC COMPLAINTS

GF
(LEGAL)

UNITED STATES CONSTITUTION	<p>The District shall take no action abridging the freedom of speech or the right of the people to petition the Board for redress of grievances. <i>U.S. Const. Amend. I, XIV</i></p> <p>The Board may confine its meetings to specified subject matter and may hold nonpublic sessions to transact business. But 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. <i>Rosenberger v. Rector & Visitors of Univ. of Virginia</i>, 515 U.S. 819, 828 (1995); <i>City of Madison v. Wis. Emp. Rel. Comm'n</i>, 429 U.S. 167, 174 (1976); <i>Pickering v. Bd. of Educ.</i>, 391 U.S. 563, 568 (1968)</p>
TEXAS CONSTITUTION	<p>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. <i>Tex. Const. Art. I, Sec. 27</i></p>
RESPONSE TO COMPLAINTS	<p>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. <i>Professional Association of College Educators v. El Paso County Community [College] District</i>, 678 S.W.2d 94 (Tex. App.-El Paso 1984, writ ref'd n.r.e.)</p>
FEDERAL LAWS	
SECTION 504	<p>A district that receives federal financial assistance, directly or indirectly, and that employs fifteen 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. <i>29 U.S.C. 794; 34 CFR 104.7(b)</i></p>
AMERICANS WITH DISABILITIES ACT	<p>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). <i>28 CFR 35.107</i></p>
CLOSED MEETING	<p>The Board may conduct a closed meeting on a public complaint to the extent required or provided by law. [See BEC]</p>
RECORD OF	<p>An appeal of the Board's decision to the Commissioner of Education shall be</p>

PRESENTATION 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. *Education Code 7.057(c), (f)*

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. *Penal Code 42.05; Morehead v. State, 807 S.W. 2d 577 (Tex. Cr. App. 1991)*

Note: Public complaints regarding instructional and library materials are addressed at EFA and complaints against peace officers employed by the District are addressed at CKE.

DATE ISSUED: 07/22/2004
UPDATE 73
GF(LEGAL)-P