

Hand delivered to HR 5/15/23

Arlington Independent School District
Public Complaint Form
Level One

Complete this form in accordance with District policy GF (LOCAL). Your complaint will be dismissed if it is submitted with incomplete information. Submit your Level One complaint via email to HREmployeeRelations@aisd.net

1. Name DAVID L. JARVIS
2. Address & Telephone Number 500 Dorcas Lane, Arlington, TX 76013 (817) 991-7153
3. The date of the event or action that gave rise to this complaint 5-9-23
4. A detailed factual description of all of the circumstance(s) that gave rise to this complaint. (Use additional pages if necessary)

During a recorded Level 3 grievance hearing on 3-29-23, Lead AISD attorney Dennis Eichelbaum referred to AISD taxpayers who wanted to act as observers at grievance hearings as "minions". It is shocking that AISD attorney Eichelbaum would use such demeaning and contemptuous language when referring to AISD taxpayers who simply want to observe an AISD grievance hearing. The use of such insulting language in a recorded public AISD grievance hearing clearly demonstrates unacceptable professional misconduct. To date, neither attorney Eichelbaum nor AISD Superintendent Cavazos have expressed any regret nor offered any apology for this insulting behavior which reflects very unfavorably on AISD and undermines public confidence in the integrity and fairness of the grievance process.

5. Explain specifically how you were harmed or injured by the facts that you provided in response to item 4 above.

AISD Lead Attorney Dennis Eichelbaum should be held publicly accountable for his use of insulting and demeaning words when referring to interested AISD taxpayers during a public grievance hearing. Superintendent Cavazos should also be held publicly accountable for his failure to immediately express disapproval for attorney Eichelbaum's use of such demeaning and insulting language when describing AISD taxpayers. Dr. Cavazos's presence and silence when this disparaging language was used indicates that the AISD Superintendent apparently approves of and endorses the use of such demeaning and uncivil language when referring to AISD taxpayers.

6. Identify and attach any documents upon which you will rely during the complaint process and explain what those documents will prove.

Attached is a sworn affidavit dated 5-15-23, with Affidavit Exhibits 1 and 2.

These documents set the context for the insulting and unacceptable language used by attorney Eichelbaum and the lack of any response by Dr. Cavazos.

7. The district wants to have all complaints resolved informally or at the lowest possible level. Explain your efforts to informally resolve your complaint including whom you spoke with, when you met, and the response you received. If you did not attempt informal resolution, give a detailed explanation why not.

I have sent emails to both Dr. Cavazos and the Board of Trustees requesting that attorney Eichelbaum be held accountable for his professional misconduct - these requests were ignored by the Board of Trustees.

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

Attorney Eichelbaum should be publicly reprimanded for his professional misconduct and his obvious refusal to accept any responsibility for his clear lack of civility when he twice used such demeaning and insulting remarks.



Signature

5-15-23

Date Submitted

Name, address, and telephone and fax number of representative, if any.

email djarvis1776@icloud.com

Sworn Affidavit (Level One)

The State of Texas

County of Tarrant

David L. Jarvis, of Arlington, Texas, personally came and appeared before me, the undersigned Notary Public, and makes this his statement, testimony and General Affidavit under oath or affirmation, in good faith, and under penalty of perjury, of sincere belief and personal knowledge that the following matters, facts, and things set forth are true and correct, to the best of his knowledge:

1. On both 3-8-23 and again on 3-29-23, AISD Superintendent Marcelo Cavazos unilaterally prohibited citizen observers from attending Level Three public complaint/grievance hearings. AISD attorney Dennis Eichelbaum was also present at these two hearings and clearly supported Dr. Cavazos' decision to prohibit citizen observers from attendance at these two Level Three AISD public complaint hearings.
2. On 3-29-23, I attended my second Level Three grievance hearing/informal conference. At the 3-8-23 Level Three grievance hearing, I asked Dr. Cavazos to provide me with legal authority to support his decision to ban all observers from Level Three public complaint/grievance hearings. Dr. Cavazos has never responded to my request. He also has never explained to me why AISD appeared to have one set of rules for Level Three conferences (observers not allowed), and an entirely different set of rules for Level One, Two, and Four conferences (observers allowed).
3. I audio recorded the 3-29-23 Level Three grievance hearing. Since observers were banned, only three people were allowed to attend this grievance hearing: David

Jarvis; AISD Superintendent Dr. Marcelo Cavazos; and AISD attorney Dennis Eichelbaum. I later had my audio recording transcribed by a commercial transcription service. After I received a rough transcript – I edited it for clarity and brevity. The edited transcript is attached as Exhibit Number 1 to this affidavit.

4. The focus of the 3-29-23 hearing dealt with my concerns about the lack of responsiveness by the AISD Legal Office to my document request submitted in late November 2022. After the main grievance (document request) was resolved, I once again asked Dr. Cavazos to explain and justify AISD’s policy of banning observers from grievance hearings.
5. The present AISD Public Complaint policy (policy) does not address or refer in any way to observers at AISD grievance hearings. The current policy was approved and issued by the AISD Board of Trustees (Board) on 7-6-2020. Since the issue of hearing observers is not addressed in the AISD Public Complaint policy, the present policy clearly does not authorize or support Dr. Cavazos’s unilateral decision to prohibit citizen observers from attending any grievance hearings. Any changes to the current complaint policy must be approved by the Board. Dr. Cavazos and attorney Eichelbaum have no authority to unilaterally amend and expand the current policy to justify their clear preference that the attendance of citizen observers at grievance hearings should be prohibited. Rather than properly seeking Board approval to amend the policy to expressly authorize AISD to prohibit observers at Level Three hearings – Dr. Cavazos instead simply ignored the constraints in the present policy and unilaterally issued an edict which prohibits citizen observers. The AISD Public Complaint policy is attached as Exhibit Number 2 to this affidavit.

6. Toward the end of the 3-29-23 hearing, I renewed my objections to the decision of Dr. Cavazos to ban all observers from attending Level Three grievance hearings. As part of attorney Eichelbaum's desperate effort to justify the AISD unilateral ban on observers, he quoted from several sections of the attached AISD grievance policy and made the following insulting remarks when referring to citizen observers:

-"an individual may initiate the formal process – **not an individual and his minions**" (my bold emphasis)
- "...if the individual did not receive the relief requested at Level Two, he, or she, **not he or she and his minions**, may request a conference with the Superintendent (my bold emphasis)

[See hi-lighted lines on page 10 of the attached transcript, Exhibit Number 1]

I was shocked when I heard these demeaning comments by AISD attorney Eichelbaum. Shortly after attorney Eichelbaum made these remarks, I interrupted him and strongly objected to his contemptuous and demeaning description of citizen observers as my "minions". I stated: "I strongly object to you referring to citizens who have a concern and an interest in the grievance process – to describe them as "minions". How dare you, sir! You show such utter lack of respect for citizens and taxpayers."

[See hi-lighted lines on page 11 of the attached transcript, Exhibit Number 1]

It is noteworthy that when I strongly objected to attorney Eichelbaum's demeaning comments about citizen observers – Mr. Eichelbaum never responded to my objections or made any attempt at that time to justify or defend his insulting comments. At the beginning of every Level One and Level Two grievance hearing, the AISD hearing officer issues the following warning (in part): "Everyone is expected to show common

courtesy and civility.” Attorney Eichelbaum utterly failed to show common courtesy and civility when he used such disparaging comments.

7. Since attorney Eichelbaum is paid with AISD funds and is supervised by AISD

Superintendent Dr. Cavazos, I fully expected Dr. Cavazos to immediately express his disapproval of attorney Eichelbaum’s insulting remarks. I was truly surprised when Dr. Cavazos remained totally silent after hearing attorney Eichelbaum’s demeaning remarks. Moreover, in the weeks following the hearing, neither Dr. Cavazos nor attorney Eichelbaum expressed any regrets nor offered any apology for Mr.

Eichelbaum’s contemptuous comments. From the silence of both Dr. Cavazos and attorney Eichelbaum, I can only reasonably conclude that both AISD Superintendent Cavazos and AISD attorney Eichelbaum wholly approve of attorney Mr.

Eichelbaum’s insulting remarks and unprofessional conduct.

8. The dictionary definition of minion is - “An unimportant and servile follower

(underling/lackey) of a powerful/important person”. This demeaning word is a totally unacceptable way to refer to AISD taxpayers – who simply want to quietly observe Level Three hearings. These good citizens properly believe they have the right to observe and evaluate the fairness of AISD Level Three grievance hearings. Shame on attorney Eichelbaum for showing such contempt for AISD taxpayers by calling them “minions” – meaning that he sees taxpayers as nothing more than unimportant servile followers (or lackeys) of some other powerful or more important person. These interested and concerned AISD taxpayers should be respected - not insulted and disparaged by attorney Eichelbaum. These disgraceful and totally unprofessional comments by AISD attorney Eichelbaum during this Level Three conference were

completely unacceptable and serve to seriously undermine AISD taxpayers' confidence in the fairness and integrity of the entire AISD grievance process.

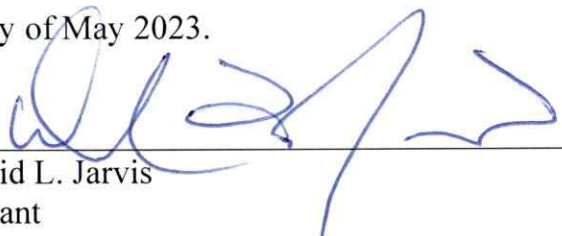
9. On April 14, 2023, and again on May 9, 2023, I sent a detailed email to the AISD Board of Trustees detailing these insulting comments by attorney Eichelbaum (and provided the attached 3-29-23 transcript). I also copied Dr. Cavazos and attorney Eichelbaum on these two emails. Dr. Cavazos has not expressed any disapproval to me about AISD Lead Attorney Eichelbaum's demeaning and unprofessional remarks – Dr. Cavazos has also refused to hold attorney Eichelbaum publicly accountable for these insulting and demeaning comments.
10. I am filing this public complaint/grievance against both Superintendent Cavazos and AISD Attorney Eichelbaum. Attorney Eichelbaum engaged in professional misconduct when he twice insulted and demeaned citizen observers by labeling them as “minions”. This lack of civility and sound judgment is totally indefensible. Dr. Cavazos also engaged in misconduct by failing to exercise adequate supervisory control of attorney Eichelbaum during the hearing. Moreover, Dr. Cavazos failed in the weeks following the hearing to take any steps to hold attorney Eichelbaum accountable for his serious professional misconduct during a recorded public grievance hearing.
11. Neither Superintendent Cavazos nor the Board of Trustees has responded to my most recent email dated 5-9-23 requesting that they intervene and publicly express their disapproval of attorney Eichelbaum's insulting and unprofessional comments. Due to the Board of Trustees' lack of response to my plea for their intervention, my only recourse is to file a formal grievance. The grievance process will compel AISD to

take a public position on this matter and either embrace or condemn attorney Eichelbaum's demeaning references to AISD parents and taxpayers – as well as Dr. Cavazos's complete refusal to hold Mr. Eichelbaum accountable for his misconduct.

12. If the AISD Board of Trustees, the Superintendent or any Hearing Officer believes any statements in this affidavit are not accurate or incomplete, please inform me and I will take appropriate action as needed to revise this affidavit.

All statements made are of my own knowledge and are true and correct.

Dated and executed this 15th day of May 2023.

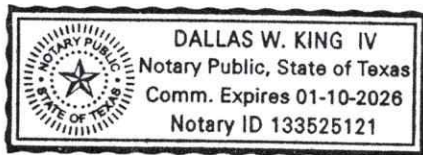


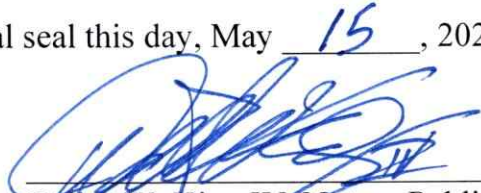
David L. Jarvis
Affiant

The State of Texas
County of Tarrant

Before me, Dallas W. King IV, Notary Public, on this day personally appeared David L. Jarvis, known to me to be the person whose name is subscribed to the foregoing sworn affidavit under penalty of perjury, and acknowledged to me that they voluntarily executed this affidavit.

Given under my hand and official seal this day, May 15, 2023.





Dallas W. King IV, Notary Public, State of Texas
My commission expires: 1/10/2026

Mr. Jarvis: Ready to go.

Dr. Cavazos: Ready?

Mr. Jarvis: Mm-hmm.

Affidavit Exhibit No. 1
Level One
Grievant David L. Jarvis
Filing Date: 5-15-23

Dr. Cavazos: All right. Mr. Jarvis, good afternoon. I think we've met before. So, we're meeting here today for your level 3 grievance. This is an informal process. We normally don't record it, but we will record it as a result of you wanting to have a recording for this as well. They're not really open to the public, you've been informed of that. And you're permitted to have a representative if you have a representative. But you are, I think, an attorney. You have some time to present your grievance. And like I shared before in the previous grievance, I'm familiar with your grievance. I've read the material. So, I'll ask you to summarize that and then give us your requested resolution. So, I will let you summarize that Mr. Jarvis.

Mr. Jarvis: Alright, first of all, I'd like to, for the record, offer two items. First, Exhibit Number 1 for this hearing on March 29 of this year is the policy of this school district on public complaints, GF (Local)-X. My question to you, can you point out in this policy, which is your policy, the school board's policy - where observers are not allowed?

Dr. Cavazos: So, you've been informed of the way the proceedings happen. So, you're welcome to summarize your grievance at this point, Mr. Jarvis.

Mr. Jarvis: So your answer is you refuse to give me where in the policy observers are not allowed, right?

Dr. Cavazos: Is that your summary of your grievance?

Mr. Jarvis: No, forget it. Forget that. You are not going to answer me. The summary of my grievance is simply this, I went to Dr. Hill for the Level 2 - you should have a copy of that, right? The Level 2 record. Did you review that before?

Dr. Cavazos: You may proceed with summarizing Mr. Jarvis.

Mr. Jarvis: Okay. You're not going to answer any questions. The Level 2 decision letter from Dr. Hill ...by the way, I had an observer at that hearing. He's listed right there on page 1 of Dr. Hill's letter dated February 13 of this year - Buddy Saunders. The rules apparently changed for Level 3. Dr. Hill states that "the district timely and appropriately responded to my request." That is not a true statement. And the reason I say it's not true is because page 2 of his decision letter says that they (AISD) made a detailed and appropriate response. What you already have a copy of - maybe you didn't bring it with

you - but I've got extra copies of the hearing in front of Dr. Hill. I gave him a spreadsheet, which you have a copy in front of you right there as well as Mr. Eichelbaum. And I told Dr. Hill if you would review that spreadsheet, which is part of the record of Level 2, you will see that it is impossible for me to identify the employees at AISD who work in Equity or SEL. It's absolutely impossible because that spreadsheet does not identify where the employee works. I urged Dr. Hill to review the spreadsheet and see -- is Jarvis right or is Jarvis wrong? Nowhere in his decision letter does he talk about that spreadsheet, which is Exhibit Number 1, part of the Level 2 record. Exhibit Number 1 is dated 2-22-23. I'd like to know how Dr. Hill can come up with a conclusion to deny this grievance when he did not do his job as a hearing officer. He did not do the basic thing of looking over the spreadsheet and say, well, Jarvis is right. It's impossible for Jarvis or any other taxpayer to figure out where the equity and SEL workers work.

Dr. Cavazos: This is their location. Is that what you're referring to? Where they work.

Mr. Jarvis: If you look at the spreadsheet,...

Dr. Cavazos: I'm looking at it.

Mr. Jarvis: All right, let's just look at page 2 because they're represented throughout, excuse me, page 1 right there. It gives the name, first name, last name, role, but it only says coordinator, specialist.

Dr. Cavazos: But you're asking where they work?

Mr. Jarvis: Yeah, coordinator of what?

Dr. Cavazos: The location of where they work?

Mr. Jarvis: I'm not looking for a street address. I don't want to go through a 1,000 people and find out which of these 1,000 people work in equity and which work in SEL. And it's impossible for me to figure that out by looking at this spreadsheet. It gives a physical location.

Dr. Cavazos: So you weren't asking for their physical location?

Mr. Jarvis: No, I was...

Dr. Cavazos: So you want us to answer questions?

Mr. Jarvis: I want documents, Mr. Eichelbaum, responsive to my request.

Dr. Cavazos: And you're not provided this, right?

Mr. Jarvis: That is not responsive because in his letter, Dr. Hill said on page 1, in the

"Background" section, he laid it out: Grievant requested information from the district which contains the names and emails and so on of only these employees working in diversity equity inclusion, SEL, and so on. Dr. Hill knows, and I think you also know, that I can't get there by looking at the spreadsheet provided. Once I received the spreadsheet, I got an email from an attorney in the AISD Legal Office – Ms. Adrienne Mandes. In my email, I told Ms. Mandes - this was probably just an oversight, but I can't get there. So please give me the names of the employees. She said, we are done, we're finished, we've given you responsive information. And my whole point is that this (spreadsheet) is not responsive. Dr. Hill knew what I wanted; I didn't want 1,000 names. Well, I'll go through 1,000 names, 42 pages, if doing that will get me there. And no one has ever said to me – but you can get there. Look, here it is.

Mr. Eichelbaum: So, you're asking us to create a new document for you?

Mr. Jarvis: I'm asking...

Mr. Eichelbaum: This is the document. You're asking us to either answer questions or create a document.

Mr. Jarvis: That's...

Mr. Eichelbaum: Well, that's a question. Are you asking us to create a document for you?

Mr. Jarvis: As I said in my.....

Mr. Eichelbaum: Would you answer my question?

Mr. Jarvis: No, I think AISD already has electronic records. Mr. Eichelbaum, and as I said in in my affidavit - there's no way if Dr. Cavazos had sent such an inquiry to the AISD Legal Office - for whatever reason, you don't have to give a reason, you're a superintendent -- I want the names of everyone that works in SEL and equity in this school district. The AISD Legal Office could have made an inquiry into AISD electronic records and provided that information to Dr. Cavazos. There is no way in the world that the AISD Legal Office would give the superintendent 42 pages and basically tell him to "figure it out". But that is what they've done to me. So, I'm thinking if the AISD Legal Office can do that for Dr. Cavazos – they also should be able to do that same thing for any taxpayer.

Dr. Cavazos: I'm still trying to understand. I've read it. What else would you like? And again, this is informal, so you can have a conversation. What would you like in this document or something you like?

Mr. Jarvis: Some supplemental document. It's not there.

Dr. Cavazos: Indicate to me, maybe give me an example of the type of individual, name, title, et cetera. I get the name, title, location, and I understand all that. Help me understand, if you were to look at this list, I want to know what about the individual?

Mr. Jarvis: I just want to know who works in equity, who works in SEL and what their title is from the top people in charge all the way down to the lowest foot soldier. That's all I want. I want their contact information, their emails, their phone numbers, and so on. But I can't get there with this spreadsheet. And I made it very clear to Ms. Mandes when I sent her the email. She sent me an email on August 15 saying they provided responsive information. There's no way in the world, Dr. Cavazos (you can look at Exhibit Number 1 of Dr. Hill's hearing) that the spreadsheet provided is responsive information.

Dr. Cavazos: Can I ask another question? I'm going to try to take it like we did last time. I don't know how effective that was, but I'm going to try to take it out of this context just for a second to see if I'm missing some of the point. And this is sincere. If somebody asks me, give me a list of all the people that work with students. Well, there's a lot of people that work with students, and we'd have to narrow that down and say, okay, well generally this is how this works. That's what I'm trying to parallel and understand with your request here. You've asked for everybody. I'm going to paraphrase here, but you have an official request, everybody that deals with equity. Many of these people deal with equity. So, if you can help me narrow it down, and this would be another request, by the way - but this is what I think we're trying. And again, this is informal, you can answer, help, have a conversation or not. If I tell you a lot of these people deal with equity and you tell me, no, what I'm looking for is X, Y, and Z, then help me with X, Y, and Z so that I can see if we can meet your request a different way. That's all.

Mr. Jarvis: Look at what Dr. Hill accurately quoted on page 1 of his Level 2 grievance response/decision letter. Dr. Hill said: Grievant requested information from the District containing the names of employees with the primary responsibility (in the areas of equity and SEL). Those are the operative words - primary responsibility.

Dr. Cavazos: That's correct.

Mr. Jarvis: And nobody at the AISD Legal Office (like Ms. Mandes) told me -- "let's narrow this down. That would have been a good opportunity for AISD Legal to say - let's narrow this down. You're talking about potentially thousands of people. But they apparently ignored my limiting words of "primary responsibility". There was no counteroffer from AISD saying - well, how far do you go? Well, let's start with the top people under Dr. Wurtz, Dr. Horton (SEL).

Dr. Cavazos: Let's follow the train of thought for a little bit. I'm going to take it out of this context, give me a list of everybody that works with students, right? And then you say, no, give me a list of the people that primarily work with students, right?

Mr. Jarvis : No, it's not students.

Dr. Cavazos: I'm just...

Mr. Jarvis: Your hypothetical is irrelevant to what we're talking about.

Dr. Cavazos: Well, it's not because everybody here deals at some point with equity. That's what I'm trying to [crosstalk].

Mr. Jarvis: But that's not the same as "primary responsibility".

Mr. Eichelbaum: Well, that's according to you.

Dr. Cavazos: That's what I'm trying to discern here.

Mr. Jarvis: So, you're saying all thousand employees have equal responsibility for SEL?

Dr. Cavazos: Let me give you that parallel example that we were trying to give.

Mr. Jarvis: Go ahead. Sure.

Dr. Cavazos: You're telling me, give me somebody, all the people that primarily deal with students. Well, is that a testing facilitator at a school? While they're primary, how do you define primary? Yeah, you could exclude them because they're a testing facilitator, right? But they do deal with students and they're in a school, et cetera. All I'm trying to do here, Mr. Jarvis, is narrow this down. What do you mean by primary? And if you can be as explicit as possible. If somebody asks me primary responsibility dealing with students, and I leave out a testing facilitator, somebody's saying, wait a minute, she's at a school, he's at a school, they're in there for duty and stuff like that. Well, yeah, but they're primarily not involved with student teaching and instruction. There's going to be a level of that kind of interpretation. So, all I'm asking in your request is would you like to narrow it down so that we can give you perhaps if we have it, the request you want?

Mr. Jarvis: Just let me know when you're finished.

Dr. Cavazos: I'm done.

Mr. Jarvis: All right. First of all, I agree with you in principle if the Legal Office receives let's say, an overly broad request, and I've received this before from Mr. Boals. You're too broad, can you narrow it down? I've done that. So that's great. That works well. I didn't get that in this case from attorney Mandes. She told me this is responsive, we're done. So, I appreciate your efforts to try to work this out at this point, but there is no...

Dr. Cavazos: Well, this is what this resolution grievance is for. If you're interested, this is what this process is for.

Mr. Jarvis: I am, but I don't know - there's got to be a two-way communication here. If you think this is overly broad, the words primary responsibility, why don't we start with this, the top person in the district who's responsible for SEL and the top person in the district responsible for equity, diversity, engagement. Mr. Perales is the executive director of equity - let's start with that.

Dr. Cavazos: Did you make a request for that? You didn't ask for that Mr. Jarvis.

Mr. Eichelbaum: No, you didn't. Mr. Jarvis, you can't expect us to interpret your mind. We respond to the documents that you request. And if there were documents that said equity employees, we would've given you that. We don't have that. And so, your question of, well, if the superintendent asked us to do, of course we create a document for the superintendent, that's not the Public Information Act. It doesn't require us to create documents for you. We've given you all the documents that we have currently that are responsive.

Mr. Jarvis: So, there's nowhere in your electronic storage, there's no way you could track down who works under Mr. Perales in the area of equity? There's no way you can do that? That information is nowhere in your electronic records?

Mr. Eichelbaum: That's not what you requested. You requested the names of all the people.

Mr. Jarvis: Why wasn't this good faith effort that I appreciate today, Dr. Cavazos, why wasn't this good faith effort shown back in August when Legal Office attorney Ms. Mandes said, well, I understand Mr. Jarvis, this doesn't help you. You're right, Mr. Jarvis, you're right. This is impossible the way it's structured to help you. But you need to submit a new request because this request is overly broad.

Mr. Eichelbaum: Yep. It's not our job to represent you and to help you figure out what you want. That's not our job.

Mr. Jarvis: But the problem, Mr. Eichelbaum...

Mr. Eichelbaum: We don't work for you, sir.

Mr. Jarvis: I never suggested that you did.

Mr. Eichelbaum: We work for the district.

Mr. Jarvis: Yeah, with my tax dollars, and while we're on that topic of attorney...

Dr. Cavazos: Mr. Jarvis.

Mr. Jarvis: Okay.

Dr. Cavazos: Again, I know you don't like it when I take it out of the context, but it's really helpful because it gives at least a chance for me to give you another example. There is some open records request, I'm not saying Mr. Jarvis - because we get a lot of open records requests. They don't want to discuss it with us. There's not, hey, can we ask you more questions? Tell me more, et cetera. So it is a balancing act. Some PIA requests are just, we've already sent in what we want. This is what we want. They don't want a dialogue. And you know what? That's fine. That's the Public Information Act. This is not a kind of a, hey, how can we ask you to do this or that? So, my question today is if you want to narrow your request, I'd be happy to give it another shot. That's all. And that's the essence, at least from what I saw from your grievance, this grievance, not the last one, but this one. The essence of I think the grievance is I would like, and these are my words, I would like this more narrowed down. And so if that's...

Mr. Jarvis: I can do that. I am going to persist with you and this legal department. For the record, nice smile, Mr. Eichelbaum.

Mr. Eichelbaum: Thank you.

Mr. Jarvis: But here's the thing. This is a 180, just like on March 8 was a 180 because on that first grievance which was about wanting answers to questions. Remember on March 8, you said, "We don't answer hypotheticals"? That's not what Mr. Perales and Dr. Hill did/said. That was a 180 with you. They never said "We don't answer hypotheticals". And back to this grievance, that is the subject today. Ms. Mandes in August when I tried to communicate with her, she didn't say, the problem is your request is overly broad. And if you look at my history with Mr. Boals, anytime he tells me it's overly broad, I say, I get it. I'll narrow it down. So, I'm one of those guys that'll work with you. And if you look at the record or ask Mr. Eichelbaum or his paralegal (Boals), you'll see that I work with you. I want to work with you. But I got nothing from Ms. Mandes. I got nothing from Mr. Perales at Level 1, and I got nothing from Dr. Hill at Level 2. They didn't say anything like - "Well,(we would like to help you) but your the request is overly broad".

Dr. Cavazos: I'm not saying it's overly broad because I'm just trying to surmise why this is insufficient.

Mr. Jarvis: It's because it doesn't answer my question.

Dr. Cavazos: Yeah, you've explained that it doesn't answer your question because then you start refining your question. And that's what we're trying to get to.

Mr. Jarvis: Okay. Back on August 12, that's the first time I get this directory or spreadsheet, whatever you're going to call it. And after Attorney Mandes with the Legal Office sends me her email, and I know she's involved in it. So, I go ahead and ask Dr. Hill to look at this spreadsheet. There's no reference in his decision letter that he looked

at that spreadsheet. Why is that?

Mr. Eichelbaum: Why does it have to say that?

Mr. Jarvis: Because that's what I asked him to do.

Mr. Eichelbaum: So you assume he didn't because he didn't include a sentence, I did what you asked me to do.

Mr. Jarvis: There was no reference to it. That would've been an easy way to resolve this at a lower level where we wouldn't be in front of you, Dr. Eichelbaum if the communication was better. Excuse me, I'm sorry. You're not a doctor, you're just...

Mr. Eichelbaum: I am actually.

Mr. Jarvis: Oh, okay, we're good.

Mr. Eichelbaum: Doctor of Jurisprudence.

Mr. Jarvis: Indeed. So anyway, I tried to work this out with attorney Mandes. She didn't say, that's overly broad. We can't go there. She just said, we (AISD) are done. Which tells me they're not interested in talking, which I agree with. We need to talk. But why didn't attorney Mandes say that back then in August of last year? I don't know.

Dr. Cavazos: So, the question for today, Ms. Jarvis, is do you want to narrow the request as a part of this resolution?

Mr. Jarvis: I do. Yes.

Dr. Cavazos: All right. So, you're welcome to submit it.

Mr. Jarvis: All right, I'll do that.

Dr. Cavazos: Does that resolve your grievance?

Mr. Jarvis: I think it does. But before we go off the record, I want to make it clear that I've offered for part of the record the public complaint policy of this district as Exhibit Number 1 of this hearing. And then Exhibit Number 2 is the Public Information Act, which I'm sure you're well aware of. But I want to get to this part of the record based upon our agreement that I'll submit a revised request. I'm kind of flying blind here. It would be nice if I could talk to someone in the AISD Legal Office to say, let's talk, how can I narrow this in a way that makes it easier for you to respond?

Dr. Cavazos: Well, so what I can offer, and we'll see. What I can offer is to talk to somebody other than our legal department about narrowing it down and trying to

understand it without it becoming a whole new kind of different directions on the questions and all that. We're just simply going to try to understand, help us narrow this down. One way I would suggest is you submit your Public Information Act request, and we'll have Aaron Boals or Aaron Perales, one or the other, make sure that we understand what you're asking so that we can keep shaving that down to get you the information if we have it. Which again, I'm going to leave that aside for a minute, so that we can get you the information you want.

Mr. Jarvis: Well, I appreciate your effort to work with me. However, but I'm really disappointed that it took a Level 3 hearing for someone, whether it's attorney Mandes, who works for the legal department, Mr. Perales or Dr. Hill, to say, hey, let's talk, or no, I know you think this spreadsheet is worthless and you know it is. But the reason it is worthless is because it is just overly broad. We (AISD) are not real clear on what you're asking. If we could have had some dialogue with Dr. Hill before, I would never have filed a grievance. Now we've wasted my time, your time, these hearing officers, it's just unnecessary. And I don't understand why we can't have better communication early on before I file a grievance with the AISD Legal Office. Ms. Mandes, when she sent me her email, when I said, this is probably just a good faith oversight, look at that spreadsheet, I can't get there because the spreadsheet does not say, this person works in equity, SEL, so on. And page 4, paragraph 8 of my affidavit and her abrupt reply in her email was - "We're not responsible for performing additional work to assist your review of the responsive information to your request." That (spreadsheet) was not responsive. Now you're saying, well, it's not responsive because we're not clear. It's just overly broad. We're not sure what you want. Well then why didn't somebody, before I filed a grievance, communicate that to me? Somebody from his legal department would've been nice, like Ms. Mandes. But if it's overly broad, how can she say the spreadsheet is responsive in light of my objections? Anyway, enough of that. So, I will go ahead and do that. But as I communicate with you in the emails, I'm going to file a grievance against you and Mr. Eichelbaum for what I consider lawless activity. Because as you know, none of us are above the law and we're bound by the constraints of the letter of the law. And I've looked hard, and I can't get anyone, Mr. Eichelbaum or anyone else, to tell me where in this complaint policy, that's your policy, it says observers are not allowed.

Dr. Cavazos: Well, that would be the subject of another grievance.

Mr. Jarvis: It would be since you refuse to talk about it. We can turn the recorder off, but you refuse to really discuss it with me. I was blindsided on March 8 during our first grievance, and so I wasn't prepared (for your ban on observers). I did not have a tape recorder ready, and that's fine. But I see an inconsistency between how Mr. Perales and Dr. Hill handled all three of their Level One and Level Two grievances. I've been in there three different times with those guys, and every time observers were welcome. And I guess because this is informal, somehow, observers are suddenly not welcome. Anyway, maybe you can clear that up later. I don't want to file another grievance, but you're forcing me to by not answering the question. I am asking you to basically state "Here's how we see it. This is why observers are not allowed in Level 3, but observers

are allowed in Levels 1, 2, and 4.”

Mr. Eichelbaum: To what law are you referring that mandates the school district to allow you to bring observers for school district grievances? What law is that?

Mr. Jarvis: Here's the way I read every law, whether you're a lawyer or not, is irrelevant. We're bound by the law.

Mr. Eichelbaum: Don't just say the law. What law are you referring?

Mr. Jarvis: The policy.

Mr. Eichelbaum: Policies aren't law. You know that, you're a lawyer. Policies are not law.

Mr. Jarvis: Okay. So, you can violate the policy of this district and say, well, that's okay?

Mr. Eichelbaum: So, is that the only law you're referring to is the policy?

Mr. Jarvis: Yes. I want you to follow your own rules.

Mr. Eichelbaum: Now that we've corrected that, if you look at your policy, the policy, you see where it says formal process?

Mr. Jarvis: All right.

Mr. Eichelbaum: It says an individual may initiate the formal process. Not an individual and his minions. That's number 1. Then it goes on, it's not requiring a mini trial at any level. Then if you turn to the next page, representative...

Mr. Jarvis: Listen, you're not going to convince me...

Mr. Eichelbaum: I understand, but I'm going to still put it on the record. May I finish?

Mr. Jarvis: Sure, absolutely. Go ahead.

Mr. Eichelbaum: Representative shall mean any person or organization that is designated by an individual to represent the individual in the complaint process. The individual may designate a representative through written notice to the district at any level of this process. Then if you'll turn to Level 3, it says, if the individual did not receive the relief at Level 2, he or she, not he or she and his minions, may request a conference with the superintendent. Then if you'll turn to the next page, it says, absent extenuating circumstances, the Level 3 administrator shall provide the individual a written response. It's your grievance. It's not the public's grievance. And so yes, we can limit it to you, and that's what we've done. Now, does it mean that we can expand that if we choose? We

could. But the grievance policy is for individuals.

Mr. Jarvis: But it's a public complaint.

Mr. Eichelbaum: No, it's not a public complaint.

Mr. Jarvis: That's what it says at the very top, public complaint.

Mr. Eichelbaum: Yes, you're a member of the public. We are allowing you to come and complain and be part of this process.

Mr. Jarvis: That's fine. Just for the record, before I forget it, I strongly object to you referring to citizens who have a concern and an interest in the grievance process to describe them as minions. How dare you, sir? You show such utter lack of respect for the citizens and taxpayers.

Mr. Eichelbaum: Oh, excuse me. How do you represent the citizens and taxpayers other than David Jarvis?

Mr. Jarvis: I'm one taxpayer who has an interest in what's going on in the school industry? That's all I am.

Dr. Cavazos: Representation, observers, et cetera, is the subject of another grievance, not this one. If that becomes a subject of another grievance, we will proceed at that level. So, to summarize, you want to narrow your request and see if that resolves your grievance. Is that still the case?

Mr. Jarvis: Yes, absolutely. But I still find it hard to believe, extremely hard to believe if you - Dr. Cavazos - asked for what I'm asking for that these folks in the legal department, by going deep into the computers and records of this school district, could not provide you that information. They would not come back to you and say, well, narrow your request, Dr. Cavazos, we're not clear of what you want. But this is just really disturbing that there's such a lack of communication early on to where we got here. But I appreciate your effort to resolve it, and hopefully it works out.

Dr. Cavazos: All right. Thank you. This concludes this Level Three informal conference.

Mr. Jarvis: Thank you.

[END]

Complaints	In this policy, the terms "complaint" and "grievance" shall have the same meaning.
Other Complaint Processes	<p>Complaints by members of the public shall be filed in accordance with this policy, except that complaints concerning instructional resources shall first be filed in accordance with EF, with appeals submitted in accordance with GF after the relevant complaint process.</p> <p>Complaints regarding refusal of entry to or ejection from District property based on Education Code 37.105 shall be filed in accordance with this policy. However, the timelines shall be adjusted as necessary to permit the complainant to address the Board in person within 90 calendar days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See GKA(LEGAL)]</p>
Guiding Principles	<p>The Board encourages the public to discuss concerns with an appropriate administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.</p> <p>Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.</p>
Informal Process	
Formal Process	<p>An individual may initiate the formal process described below by timely filing a written complaint form.</p> <p>Even after initiating the formal complaint process, individuals are encouraged to seek informal resolution of their concerns. An individual whose concerns are resolved may withdraw a formal complaint at any time.</p> <p>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.</p>
Freedom from Retaliation	Neither the Board nor any District employee shall unlawfully retaliate against any individual for bringing a concern or complaint.
General Provisions	
Filing	Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee 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/time shown on the electronic communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on or before the deadline and received by the

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	<p>appropriate administrator or designated representative no more than three days after the deadline.</p>
Scheduling Conferences	<p>The District shall make reasonable attempts to accommodate scheduling conflicts for hearings. If the individual fails to appear at a scheduled conference, the District may hold the conference and issue a decision in the individual's absence.</p>
Response	<p>At Levels One, Two, and Three, "response" shall mean a written communication to the individual from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the individual's email address of record, or sent by U.S. Mail to the individual's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.</p>
Days	<p>"Days" shall mean District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."</p>
Representative	<p>"Representative" shall mean any person who or organization that is designated by an individual to represent the individual in the complaint process.</p> <p>The individual may designate a representative through written notice to the District at any level of this process. If the individual designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.</p>
Consolidating Complaints	<p>Complaints arising out of an event or a series of related events shall be addressed in one complaint. An individual 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.</p>
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 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.</p>

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Costs Incurred

Each party shall pay its own costs incurred in the course of the complaint, including copies.

Complaint and Appeal Forms

Complaints and appeals under this policy shall be submitted in writing on a form provided by the District.

Copies of any documents that support the complaint should be attached to the complaint form. If the individual 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 by the individual unless the individual 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 individual 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 lowest level administrator who has the authority to remedy the alleged problem.

If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Three following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and schedule a conference with the individual within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the individual a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

Level Two

If the individual did not receive the relief requested at Level One or if the time for a response has expired, he or she may request a

conference with the Level Two administrator to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, 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 response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The individual 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 individual at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Level Two administrator 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 individual may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Level Two administrator may set reasonable time limits for the conference.

The Level Two administrator shall provide the individual a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Level Two administrator may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Level Two administrator 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.

Level Three

If the individual did not receive the relief requested at Level Two or if the time for a response has expired, he or she may request a conference with the Superintendent or designee to appeal the Level Two decision.

The appeal notice must be filed in writing, on a form provided by the District, 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 response deadline.

After receiving notice of the appeal, the Level Two administrator shall prepare and forward a record of the Level Two appeal to the Level Three administrator. The individual may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. The written response issued at Level Two and any attachments.
4. All other documents relied upon by the Level Two administrator in reaching the Level Two decision.

The Level Three conference shall be an informal conference. The conference may be recorded. The purpose of the Level Three conference is to determine if any administrative resolution is available that the complainant and the administration can agree upon absent further appeal. If a resolution is agreed upon, then the appeal is concluded.

Absent extenuating circumstances, the Level Three administrator shall provide the individual a written response within ten days following the conference.

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

Level Four

If the individual did not receive the relief requested at Level Three or if the time for a response has expired, he or she may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, 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 response deadline.

The Superintendent or designee shall inform the individual of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the lower level appeals. The individual may request a copy of the Level Three record.

The Level Three record shall include:

1. The Level One record.
2. The Level Two record.
3. The notice of appeal from Level Two to Level Three.
4. The written response issued at Level Three and any attachments.
5. All other documents relied upon by the administration in reaching the Level Three decision.

The appeal shall be limited to the issues and documents considered at Level Three, except that if at the Level Four hearing the administration intends to rely on evidence not included in the Level Three record, the administration shall provide the individual notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the individual and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Four presentation. The Level Four presentation, including the presentation by the individual or his or her representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Three.