

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 7-26-23
4. A detailed factual description of all of the circumstance(s) that gave rise to this complaint. (Use additional pages if necessary)

On 7-24-23, I filed a Level I grievance. On 7-25-23, AISD attorney Dennis Eichelbaum rejected my grievance and in violation of Texas Education Code, Section 11.1151 (b)(13) - refused to allow me to obtain a Level I grievance hearing on this grievance complaint.

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

I was harmed because under Section 11.1151 (b)(13) of the Texas Education Code, as a member of the public I am entitled under Texas state law to obtain a hearing on my complaint filed on 7-24-23. Attorney Eichelbaum is denying me access to a hearing on my complaint - in clear violation of Texas state law.

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

Sworn affidavit signed by David Jarvis under penalty of perjury on 8-2-23.

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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.

As detailed in my attached affidavit, on 7-26-23 I sent an email to both attorney Eichelbaum and to the AISD Board of Trustees listing the basis of my concerns. Neither Mr. Eichelbaum nor the Board were responsive to my claim that Mr. Eichelbaum's conduct is unlawful and has resulted in the improper denial of my legal right to obtain a grievance hearing on this public complaint / grievance - in clear violation of Texas state law

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

I want attorney Eichelbaum to stop denying me access to a Level I grievance hearing. Mr. Eichelbaum should be directed by the Board to allow my Level I grievance filed on 7-24-23 to proceed per current AISD grievance policy - which (in accordance with Texas state law) allows any grievant to obtain a hearing on a filed complaint.



Signature

8-2-23

Date Submitted

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

email djarvis1776@icloud.com

Sworn Affidavit

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 7-17-23, I filed a Level One grievance. On 7-19-23, AISD Attorney Dennis Eichelbaum sent me an email informing me that my 7-17-23 grievance was “completed with AISD” and that my only recourse was to appeal the Level IV Board decision to the Texas Department of Education.” Since I did make some reference in my July 17 grievance to a possible rehearing of the Level IV grievance hearing on 6-8-23, AISD rightly interpreted my 7-17-23 grievance as an appeal (which must be filed only with the Texas Department of Education),
2. On 7-24-23, I filed a new Level One grievance. In this grievance, I removed any wording that could be interpreted as a request for an appeal or rehearing of the 6-8-23 Level IV grievance hearing. I wrote the July 24 grievance to avoid any misunderstandings that might result in a response from attorney Eichelbaum that my grievance was “completed”. I wanted to use the existing AISD grievance policy which states that any member of the public can file a grievance and obtain a hearing on my grievance. I made it very clear in the July 24 grievance that my goal in filing

this grievance was simply to obtain answers to a few simple questions – not appeal what happened at the Level IV hearing on 6-8-23.

3. On July 25, 2023, Mr. Eichelbaum emailed me and rejected my July 24 grievance on the same grounds he rejected my July 17 grievance. Attorney Eichelbaum stated that in my July 24 grievance I “raised the same basic objections and concerns over the Level IV decision (on 6-8-23)”. That is not an accurate statement. In my July 24 grievance, I did not object or raise any concerns over the Level IV decision on 6-8-23. I made no reference to the Level IV decision in my July 24 grievance. In his July 25 email, Mr. Eichelbaum also stated that my July 24 grievance was “not a proper grievance.”
4. On 7-26-23, I emailed attorney Eichelbaum and asked him three questions:
 - Could you please identify exactly where in my July 24 grievance I made any reference to the Level IV decision announced on 6-8-23?
 - Please identify where in the attached AISD grievance policy (or any other AISD policy), the AISD Lead Attorney has the authority to unilaterally cancel the entire AISD grievance process by simply declaring “This is not a proper grievance?”
 - How and where in any AISD policy is the phrase a “proper grievance” defined?
5. On 7-26-23, Mr. Eichelbaum responded to my email asking for answers to three simple questions. Mr. Eichelbaum stated “I can answer your questions. However, I

do not represent you and therefore cannot give you legal advice. As you know, you can pay your own lawyer to obtain legal assistance.”

6. On 7-26-23, I emailed both Mr. Eichelbaum and the AISD Board of Trustees (the Board). In that email, I explained to Mr. Eichelbaum that I was not asking for legal advice. I was asking for factual information from an AISD attorney who just unilaterally shut down my legal right to a grievance hearing on my July 24 grievance. In that email, I reminded Mr. Eichelbaum that we are a “nation of laws, not of men” -- and all government officials (including AISD attorney Eichelbaum) have an absolute duty to clearly identify the legal basis for that official’s exercise of authority over taxpayer citizens.

- For example, a government official can state that a citizen is obligated under a specific identified law to engage in certain conduct (pay taxes). Another law may prohibit a citizen from engaging in other conduct (speeding). Every government official (including Mr. Eichelbaum) must identify the law which gives that official the legal basis to exercise his/her authority over citizens. Citizens have a right to see the legal basis (law) which is the basis for any government official exercising authority citizens. When Mr. Eichelbaum refuses to identify his legal authority to dismiss my grievance, I have a right to investigate and determine whether he is abusing his authority and acting lawlessly.

7. On 7-27-23, I sent an email to the Board. In that email, I told the Board that attorney Eichelbaum was in violation of Texas state law by denying me full access to the AISD grievance process. I reminded the Board that Section 11.1511 (b)(13) of the Texas Education Code (under “Specific Duties of the Board”) – “The board **shall** by

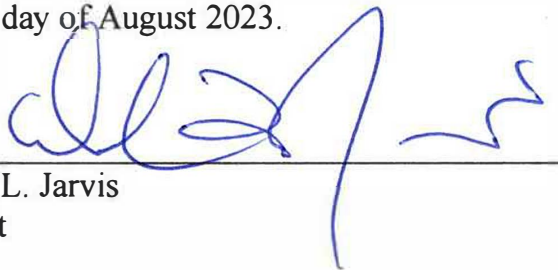
rule **adopt a process** through which district personnel, students, parents or guardians of students, and **members of the public may obtain a hearing** from the district representative and the board **regarding a complaint.**” (my bold emphasis)

8. The AISD board has followed this law by adopting the AISD Public Complaint policy, AISD policy GF(LOCAL)-X. However, attorney Eichelbaum has denied me access to the AISD grievance policy – in clear violation of the above-referenced section of the Texas Education Code.
9. On 7-26-23, I sent an email to the Board informing them of Mr. Eichelbaum’s apparent unlawful denial of my access to the AISD Public Complaint (grievance) policy. In the same email, I asked the Board to intervene and stop attorney Eichelbaum’s conduct – which allows Mr. Eichelbaum to arbitrarily nullify AISD grievance policy and thus cause AISD to be in violation of the Texas Education Code. I informed the Board that I would file another grievance on or about 8-1-23 unless the Board intervened and ordered attorney Eichelbaum to:
 - provide me with the requested information (answers to my questions); and
 - allow my grievance filed on 7-24-23 to proceed through the AISD grievance process and set the July 24 grievance for a Level I hearing.
10. The Board chose not to respond to my July 26 email. Right now, only AISD attorney Eichelbaum is in violation of Texas state law. Since the Board has refused to intervene and stop this apparent violation of Texas state law, it appears that the Board approves of Mr. Eichelbaum’s conduct. Board approval of this unlawful conduct now makes the Board complicit in this same violation of Section 11.1511 (b)(13) of the Texas Education Code.

11. If the AISD Board of Trustees believes any statements in this affidavit are not accurate or are misleading/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 2nd day of August 2023.



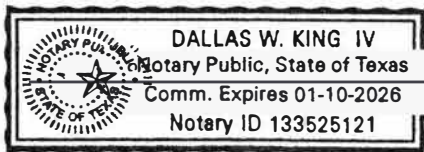
David L. Jarvis
Affiant


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 2nd day of August 2023.





Dallas W. King IV, Notary Public, State of Texas
My commission expires: 01-10-2026