

Pataula Charter Academy and Spring Creek Charter Academy Staff Complaints and Appeals Policy

Purpose

The purpose of this policy is to provide guidelines to school staff for filing complaints against the school or other employee of the school on any and all matters including complaints concerning Federal Programs: Title I, Part A; Title I, Part C; Title I, Part D; Title II, Part A; Title III, Part A; Title VI, Part B; the McKinney-Vento Act; School Improvement 1003(a) and 1003(g) (SIG).

Dispute Resolution

1. The complaints process may be initiated directly to the Direct Supervisor.
2. Staff Members, who initiate a complaint, must do so in writing. Any complaint or grievance should be reported immediately after the event in concern. Investigations into alleged wrong-doing need to be completed as soon as possible. Investigations completed after an extended period of time are more difficult and may lose validity. Therefore, the Superintendent and/or Governing Board reserve the right to refuse response to any grievances submitted more than thirty (30) days after the incident occurred absent exigent circumstances.
3. Written notice should be complete, as brief as possible, and simply stated, including:
 - a. Summary of Facts
 - b. Identification of parties and witnesses
 - c. Specific identification of the policy, practice, or statute violated.
 - d. Statement of requested relief
4. The Direct Supervisor will provide a written response to the dispute within 5 school days.
 - a. The response will include a notice of the right to appeal the decision of the Direct Supervisor, to the Superintendent or CFO (depending on who oversees the Direct Supervisor that made the decision).
5. If the staff member does not agree with the decision of the Direct Supervisor, an appeal may be filed with the Superintendent or CFO (depending on who oversees the Direct Supervisor that made the decision).
6. The Superintendent or CFO will provide a written response to the appeal within 5 school days.
 - a. The response will include a notice of the right to appeal his/her decision to the Governing Board.
7. If the Staff Member does not agree with the decision of the Superintendent or CFO, an appeal may be filed with the Governing Board.
8. Within thirty working days of receipt of the appeal of the Superintendent or CFO's decision, the Superintendent or CFO will present the matter to the Governing Board at its regular meeting or at a special meeting called for that purpose. The Board will review the original complaint, the response of the Direct Supervisor, the response of the Superintendent or CFO, and the response of the complainant. In addition, the Board may, but is not required to, hear directly from any individuals with knowledge of any relevant facts relating to the complaint.
9. The Governing Board will review the complaint applying the clear/convincing evidence standard and either uphold the recommendation of the Superintendent or CFO or require the school to take some other action in response to the complaint.
 - a. A copy of the action of the Board will be furnished to the complainant, either as a part of the minutes of the Governing Board or as a separate written statement.

b. The Board will be the final reviewing authority.

Appeals

For teachers with less than four employment contracts with Pataula Charter Academy/Spring Creek Charter Academy, performance ratings contained in personnel evaluations conducted pursuant to Georgia Title 20 Code Section 20-2-210, professional development plans, and job performance shall not be subject to complaint under the provisions of this part; provided, however, that this shall not apply to procedural deficiencies on the part of the school in conducting an evaluation pursuant to Code Section 20-2-210.

For teachers who have accepted a school year contract for the fourth or subsequent consecutive school year, summative performance ratings of 'Unsatisfactory' or 'Ineffective' contained in personnel evaluations conducted pursuant to Georgia Title 20 Code Section 20-2-210, procedural deficiencies on the part of the school in conducting an evaluation pursuant to Code Section 20-2-210, and job performance shall be subject to appeal pursuant to this paragraph. The following process allows a teacher to appeal a summative performance rating of 'Unsatisfactory' or 'Ineffective.'

- Appeals must be filed in writing to the Superintendent within 10 days of the “unsatisfactory” or “ineffective” summative rating. The appeal request should note the reasons the teacher disagrees with the rating
- An appeal hearing will be held within 10 business days of the receipt of the appeal request. The Superintendent, his/her district-level designee, or an independent third party may conduct the appeal hearing.
- A formal written response of the decision of the hearing officer will be submitted to the school Principal and the teacher who requested the appeal within 5 business days of the appeal hearing.

A teacher shall not be the subject of any reprisal as a result of filing an appeal pursuant to this policy. Should any reprisal occur, the teacher may refer the matter to the Professional Standards Commission.

The termination, nonrenewal, demotion, suspension, or reprimand of any employee, as set forth in Code Section 20-2-940, and the revocation, suspension, or denial of certificates of any employee, as set forth in Code Section 20-2-984.5, shall not be subject to complaint under the provisions of this policy.

A certified employee who chooses to appeal under Code Section 20-2-1160 shall be barred from pursuing the same complaint under this part.

Amended - June 19, 2017

Amended – July 30, 2019 (reviewed by Rob Fortson, Board Attorney)

Amended – 12/10/18 (to add Spring Creek)

Reviewed and approved – 7-26-2021

Amended – 6/20/2022