



GEORGIA CHARTER SCHOOLS, INC  
*Kennesaw Charter Science & Math Academy*  
3010 Cobb Parkway • Kennesaw, Georgia 30152

## Complaints and Grievances

The Kennesaw Charter Science & Math Academy Governing Board ("Board") adopts the following policy which shall be effective on the date that the policy is adopted by the Board. If applicable, once adopted this policy replaces any previously approved school policy currently in place that provided direction on the items in this policy.

### **Purpose: Informal Resolution Preferred**

It is the purpose of this policy to implement the provisions of the Act of the General Assembly of 1992, O.C.G.A. 20-2-989.5 et seq. In accordance with the foregoing, it is the policy of Kennesaw Charter Science and Math Academy that certified personnel shall have the right to present and resolve complaints relating to certain matters affecting the employment relationship at the lowest organizational level possible. The Board encourages all employees to resolve their complaints informally in a spirit of collegiality where possible. This policy and procedure is available where such efforts do not succeed, or where, for any other reason, the certificated employee desires to pursue this procedure.

### **Definitions**

1. "Level One Administrator" means the school's administrator with respect to teachers and other certificated personnel assigned to that school. With respect to the certified administrators supervised by the Governing Board the "Level One Administrator" shall be the Governing Board Chair. In any case not covered by this paragraph, the "Level One Administrator" shall be the supervisory certificated person designated by the Board or in the absence thereof, by the Governing Board Chair.
2. "Complaint" means any claim or grievance by a certificated employee.
3. "Notification" means delivery in person to the party entitled to notification, or deposit in the United States Mail, certified mail, return receipt requested, to the last known address of the party notified.

### **Scope of Complaint, Exclusions**

Scope. Unless excluded by paragraph (b) hereof, this complaint and grievance procedure is applicable to any claim by any professional employee certificated by the Professional Standards Commission who is affected in his or her employment relationship by an alleged violation, misinterpretation, or misapplication of statutes, policies rules, regulations, or written agreements of this school or with which the school is required to comply.

Exclusions. This procedure shall not apply to:

1. Performance ratings contained in personnel evaluation and professional development plans pursuant to Code Section 20-2-210;
2. Job performance;
3. Termination, non-renewal, demotion, suspension, or reprimand of any employee
4. The revocation, suspension, or denial of certificates of any employee, as set forth in Code Section 20-2-790;
5. A certified employee, who chooses to appeal under Code Section 20-2-1160, if applicable, shall be barred from pursuing the same complaint under this policy.

### **Hearing Rights, Evidence, Representation, Decisions, Records**

1. Hearing and Evidence. The complainant shall be entitled to an opportunity to be heard, to present relevant evidence, and to examine witnesses at each level, but the complainant may not present additional evidence at the Second Hearing level unless notice of the Complainant's intention and the

evidence to be presented are submitted in writing five (5) days prior to the hearing to the Administrator who will preside at such level, and in the case of the local board, to the Governing Board Chair. When hearing an appeal from a prior level, the Governing Board shall hear and decide all appeals de novo.

2. Representation. At a Level Two Hearing, the Complainant and the administrator against whom the complaint is filed shall be entitled to the presence of an individual, including an attorney to assist in the presentation of the complaint and the response thereto. The Complainant shall bear his or her own costs of an advocate. The costs of an advocate for an administrator against whom a complaint is filed may be paid by the school at its own discretion. The presence of any individual other than the Complainant and the Administrator at Level One is prohibited, except witnesses who present testimony or documents.
3. Law Officer. The Governing Board may appoint a member of the State Bar to serve as law officer who shall rule on all issues of law and other objections, but such attorney shall not assist in the presentation of the case for either party.
4. Overall Hearing Time Schedules. The overall time frame from the initiation of the complaint until rendition of the decision by the Board and notification thereof to the Complainant shall not exceed sixty (60) days.
5. Automatic Referral to Next Level. Any complaint not processed by the administrator within the time frame required by this policy shall be forwarded to the next level for determination.
6. Records. Accurate records of the proceedings at each level shall be kept; the proceedings shall be recorded by mechanical means; all evidence shall be preserved and made available to the parties; and all costs and fees shall be borne by the party incurring them unless otherwise agreed upon by the parties; except that the cost of preparing and preserving the record of the proceedings shall be borne by the Governing Board or school; provided however, the cost of transcribing the transcript of evidence and proceedings before the Board shall be borne by the party requesting same, and all costs of the record on appeal to the superior courts and appellate courts shall be paid by the party required to do so by the laws relating thereto.
7. Decisions. Each decision shall be made in writing and dated, and shall contain findings of fact and reasons for the particular decision reached. Notice. The decision at each level shall be delivered to the Complainant by a person designated by the Governing Board Chair, either
  - a. being hand delivered or (2) being deposited in the U. S. Mail (certified mail, return receipt requested). Notice to the Complainant shall be deemed to have been made on the date of hand delivery or on the date of deposit in the U. S. Mail by certified mail, return receipt requested to the address stated in the complaint or, if not contained in the complaint, to the last known address of the Complainant on file with the Governing Board.

#### **First time presentation, time and contents**

The complaint shall be presented in writing to the Level One Administrator within ten (10) calendar days after the most recent incident upon which the complaint is based. The complaint shall include the following:

1. The mailing address of the Complainant to which all notices and other documents may be mailed;
2. The intent of the Complainant to utilize this complaint procedure, clearly stated;
3. A reference or description of the statute, policy, rule, contract provision or regulation that is alleged to have been violated, misinterpreted or misapplied;
4. A brief statement of the facts reasonably calculated to show how such statute, policy, rule or regulation was violated or misapplied, and how it substantially affects the employment relationship of the Complainant; and
5. A statement of the relief desired. The Governing Board Chair shall prepare forms for use in accordance with the foregoing requirements.

**First Level Hearing and Decision**

The Level One Administrator shall record the date of filing on the complaint, and shall give notice to the Complainant of the time and place of the hearing, either by mail or hand delivery. When notice is given by mail, it shall be sent by first class mail to the address set forth in the complaint. If no address was included in the complaint, then the notice shall be sent to the last known address of the Complainant on file with the Governing Board. The Level One Administrator shall conduct a hearing on the complaint and render a decision thereon within ten (10) days of the filing of the complaint. The decision shall be dated and a copy shall be sent to the complainant as provided in Section 4 above.

**Second Level Hearing: Appeal from First Level**

A Complainant dissatisfied with the decision of the first level shall be entitled to appeal to the Governing Board by filing written notice of appeal with the Governing Board Chair. The appeal must be filed within ten (10) calendar days after the Complainant is notified of the Level One decision. The Governing Board shall record the date of the filing on the appeal and shall notify the Complainant in writing of the time and place of the hearing by mail or hand delivery. The Governing Board shall obtain copies of all minutes, transcripts, documents and other exhibits admitted as part of the record during the First Level Hearing. The Governing Board shall conduct a hearing and render decision within ten (10) calendar days of the date of the filing of the appeal; alternatively, at the discretion of the Governing Board, the hearing may be conducted by any designated representative of the Governing Board who shall promptly submit his or her recommendations and findings to the Governing Board for final decision. The decision shall be rendered and served on the Complainant and/or his attorney.

**Reprisals Prohibited**

No certificated personnel shall be subjected to reprisals as a result of filing any complaint under this policy. Any reprisals may be referred to the Professional Standards Commission.

**Collective Bargaining Disclaimer**

Nothing in this policy shall be construed to permit or foster collective bargaining.