

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION

Grievances and Complaint Procedures

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Commission LEA Policy 1200 – Grievances and Complaints sets forth the types of complaints or grievances that may be investigated by the Commission. This procedure document outlines the procedures for submission, review, investigation, and response to a formal complaint submitted to the Commission.

These procedures cover:

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Subject of a Complaint or Grievance

Generally, the governing board of each charter school shall be the first avenue for response in any complaints or grievances filed against the charter school, its employees, or its volunteers. Because the Commission is an LEA comprised entirely of charter schools who are legally entitled to a certain amount of autonomy, there are areas where the Commission, as the authorizer and LEA, cannot mandate decisions. Examples of complaints that should be handled by the school are set forth in Commission LEA Policy 1200 – Grievances and Complaints as:

- (1) Employment issues;
- (2) Transportation issues (except with regard to students experiencing homelessness, students with disabilities, or students in foster care);
- (3) Disagreement with a teacher or a student;
- (4) Bullying issues (excluding bullying that rises to the level of a civil rights issue under Title IX or VI or bullying on the basis of a disability under the Americans with Disabilities Act (ADA)); and
- (5) Disagreement over a discipline decision (excluding the discipline of students with disabilities, including students with Individualized Education Programs (IEPs) or 504 Plans).

Thus, the Commission will not investigate a complaint involving an issue that should be handled by the school and its governing board. Commission staff may assist complainants to determine how to contact the school to resolve the issue but will not investigate.

In some instances, the Commission may investigate complaints or grievances regarding an authorized school. A formal complaint or grievance to the Commission may include, *but is not limited to* the following subjects:

- (1) Alleged violations of the law;
- (2) Alleged violations of the charter agreement;
- (3) Special education violations, including discipline;
- (4) Child abuse;

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- (5) Serious health, safety, and legal issues;
- (6) Suggesting a student transfer or enroll at a different school; and
- (7) Title VI and Title IX (civil rights) and ADA/Section 504 claims.

Notification to the Commission of a Complaint or Grievance

While the Commission has the power to investigate Title VI, Title IX and ADA/Section 504 complaints, these complaints can also be submitted and investigated at the school level. If the school receives a Title VI, Title IX, ADA/Section 504, Equal Employment Opportunity Commission (EEOC) or any other serious complaint, the school must notify the Commission's General Counsel within 48 hours of receiving the complaint, and keep district personnel updated on the status of the investigation. District personnel may request information to ensure that the school's investigation is being conducted properly and shall be informed of the results of the investigation. District personnel may assist in the investigation, or if deemed appropriate by the Director of Schools, the Commission may inform the school that the Commission will take over investigation of the complaint.

Submission of a Complaint or Grievance

A formal complaint or grievance to the Commission must:

- (1) Identify the school involved in the issue;
- (2) Identify the complainant; including name, e-mail address, and phone number;
- (3) Include the date of the complaint and the date or dates upon which the underlying issue(s) occurred;
- (4) Clearly describe the grievance or complaint and provide any corresponding documentation supporting the issue;
- (5) Provide details of how the individual attempted to resolve the issue with the school or governing board, if applicable; and
- (6) Be filed within one (180) days of the alleged violation, unless the Commission determines that special circumstances exist to allow the filing of the complaint or grievance.

A formal complaint or grievance shall be submitted to the Director of Schools or his/her designee in writing. Complaints may be e-mailed to the Director of Schools via the Charter.Commission@tn.gov email address. Complaints may be made verbally, but shall be reduced to writing by either the complainant or Commission staff for recordkeeping purposes within five (5) business days.

Within seven (7) business days of submission of the written complaint, the Director of Schools, or his/her designee will determine whether or not the grievance or complaint is properly before the Commission or if it needs to be resolved by the school. The Director of Schools or his/her designee may contact the school and/or the complainant for additional information to assist in making this determination. The Director of Schools, or his/her designee will notify the complainant of this decision in writing.

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Investigation of a Complaint or Grievance

If it is determined by the Director of Schools or his/her designee that the complaint or grievance is properly before the Commission, the Director of Schools or his/her designee will commence with an investigation. The Director of Schools or his/her designee may gather additional information from the complainant, the school, or from other witnesses or interested parties. The school and the complainant shall cooperate with the investigation and comply with any request for documents from the Director of Schools or his/her designee.

Within thirty (30) calendar days of the submission of the complaint, the Director of Schools or his/her designee shall provide a written report to the complainant and the school outlining the results of his/her investigation. The thirty (30) calendar day deadline may be extended by the Director of Schools if special circumstances exist. In the case that the deadline must be extended, the Director of Schools shall provide written notice with an explanation of the need for the delay to the school and the complainant, prior to the expiration of the thirty (30) day deadline. If a shorter period of time is required by law for completion of an investigation then that timeline shall apply. For example, if the Commission initiates an investigation of a serious bullying complaint that qualifies as harassment, the state law requirement that a bullying investigation be initiated within 48 hours, and appropriate intervention completed within 20 days will apply.

Consequences of a School Violation

If a school is found to have committed a violation of the charter agreement or any law, rule, or policy, it may trigger interventions by the Commission in accordance with Commission Policy 3.400.

Other Legal or Administrative Complaints

Filing a formal complaint pursuant to Commission LEA Policy 1200 – Grievances and Complaints and this procedure shall not serve as a prerequisite to any legal or other administrative action that the complainant may choose to pursue, including, but not limited to any complaint under LEA Policy 1801 – Special Education/Individuals with Disabilities Education Act (IDEA), LEA Policy 1802 – Americans with Disabilities Act (ADA) and Section 504, or complaints that may be made to the U.S. Department of Education, Office for Civil Rights or the U.S. Department of Justice.