

*Community Schools Guidance Letter #2010-5*

*Effective date: July 21, 2010*

*Updated September 23, 2013*

## Office of Community Schools (OCS) Complaint Procedures

### Objective

To provide interested persons, parents, students, community schools, sponsors and agencies guidance for submitting an allegation of noncompliance with state or federal law, rules or regulations.

### Definitions

- **Community School:** Called charter schools in other states, a public school created under Ohio Revised Code Chapter 3314, independent of any school district and part of the state's program of public education, offering an education that is regarded as equivalent to that of Ohio's traditional public schools and private schools chartered by the Ohio Department of Education (ODE).
- **Complaints:** An allegation that an employee of a community school, member of a governing authority or employee of a sponsor has violated a state or federal law, rule or regulation. The Office of Community Schools (OCS) recognizes three types of complaints:
  - **Anonymous Complaints:** The OCS will not routinely investigate allegations of violations from anonymous sources; however, anonymous complaints will be referred to the sponsor. Community schools are not exempt from the Ohio Whistleblower law (Ohio Revised Code Section 4113.52).
  - **Informal Complaint:** An informal complaint is a **spoken allegation** regarding a possible violation of rule or law. As with an anonymous complaint, OCS will contact the sponsor for a resolution, but OCS will not take formal action.
  - **Formal Complaint:** A formal complaint is a **written allegation** regarding a possible violation of rule or law. A formal complaint initiates an investigation.

### Policy

The community school and/or sponsor must investigate all allegations of noncompliance with state or federal law, rules or regulations. It is OCS' policy to refer complainants to the appropriate community school sponsor upon initial receipt of a complaint. OCS will further investigate allegations of noncompliance that cannot be resolved at the local community school, governing authority or sponsor level.

## **Guidance**

This document sets forth guidance OCS will follow to ensure that complaints are addressed in a timely and professional manner. As part of its monitoring role, a sponsor has a responsibility to work closely with the administrators of the community school and its governing authority to resolve complaints. If the complaint cannot be resolved at the community school or sponsor level, the OCS lead consultant will be assigned to manage the complaint to resolution. The OCS lead consultant will work in collaboration with other offices at ODE, such as special education, federal programs, nutrition, career-technical education, etc., if a complaint requires their involvement.

## **Submission**

A complaint may be mailed to the Office of Community Schools, 25 South Front Street, Mail Stop 615, Columbus, Ohio, 43215-4183.

## **Resolution Timeline**

OCS strives to resolve all complaints within 60 days of receipt.

## **Withdrawal of Complaint**

A complainant who wishes to withdraw a formal complaint should do so in writing.

## **Complainant requests to be anonymous**

If a complainant requests not to be identified, OCS will contact the sponsor regarding the allegation of violations to request a review of the allegation with the school and/or sponsor agency without divulging the identity of the complainant. A formal resolution will not be expected as an outcome of an anonymous complaint investigation, but a summary of the complaint review may be shared with the complainant, the school and the sponsor. The anonymous complainant will be apprised that anything submitted to ODE in writing or via e-mail is considered a public record and subject to requests for public information.

## **Resolution**

OCS considers a complaint resolved when a community school administrator, its governing board and/or its sponsor provide OCS and the complainant with acceptable documentation that verifies that the identified corrective action is complete or when OCS determines that the facts do not sustain the complaint.

## **Special Education Complaints**

OCS will contact the assistant director of procedural safeguards in the Office for Exceptional Children, 25 South Front Street, Mail Stop 202, Columbus, Ohio, 43215-4183, when a complaint is received that may involve a violation of special education regulations.

## **Federal Program Complaints**

OCS will contact the complaint coordinator in the Office of Federal Programs, 25 South Front Street, Mail Stop 405, Columbus, Ohio, 43215-4183, when a complaint is received that may involve a violation of federal program regulations.

## Legal Advice:

OCS cannot provide legal advice or comment on complaints regarding employee related issues, concerns or complaints such as labor, contract, personnel, etc. matters. Complainants should seek legal counsel.

## Formal Complaint Procedures

Complaints are routed to the relevant OCS lead consultant. The lead consultant will share appropriate information regarding the complaint with the sponsor or appropriate office or agency requesting an investigation and summary report using the following timelines:

1. Initiate an investigation within one business day, by contacting the complainant and the community school.
2. Provide the OCS lead consultant with an email response on the initial contact with the complainant and the community school within one business day.
3. Provide the OCS lead consultant with an initial written report on the merits of the complaint within five business days.
4. Provide needed follow-up information to OCS within five business days of a follow-up request.
5. Provide the OCS lead consultant with a final summary report within ten business days or by the date the lead and sponsor or appropriate office or agency agree is appropriate, given the circumstances of the complaint.
6. The final summary report should include but not be limited to:
  - a. Summary of the complaint.
  - b. Pertinent data gathered during the investigation:
    - i. Perspective and or opinions relevant to the situation;
    - ii. Why the situation happened;
    - iii. Names and positions of relevant persons providing data;
    - iv. Dates and locations relevant to the situation.
  - c. The complainant's perspective on the investigation and recommendation for resolution.
  - d. Recommendations for resolving the complaint
7. The OCS lead will review the summary; follow up with the complainant, if necessary, and with the sponsor as well as any appropriate office or agency.
8. **If a complaint cannot be resolved at the sponsor level**, the OCS lead consultant will discuss the complaint and the parties' perspectives with the appropriate OCS and/or ODE staff and establish a final decision based on the investigation and the merits of the resolution.

9. In this situation, the lead consultant will communicate the final decision to the complainant and the sponsor or appropriate office or agency.
10. OCS strives to resolve all complaints within 60 days of receipt of the complaint.