

AGENDA ITEM EXECUTIVE SUMMARY

- I. **Public Education Commission Meeting Date:** February 12, 2016
- II. **Item Title:** Discussion And Possible Action On Policy Recommendation For Investigations And Complaint Policies
- III. **Executive Summary and Proposed Motions:**

Proposed Motions:

Attached to this report, CSD has provided a proposed Written Complaint Policy and Protocol. This report includes the proposed policy, a track changes version from the prior version presented at the PEC's January meeting, and a proposed submission form.

The changes, identified in the track changes version, were made based on a work session held with Commissioner Armbruster, Vice-Chair Gipson, Greta Roskom, Kelly Callahan, and Sue Fox.

Proposed Motion Language

-Move to adopt the policy presented in today's materials.

-Move to adopt the policy presented in today's materials, with the changes discussed on the record today.

-Make no motion.

Background:

Statutory Provisions:

22-8B-12 (D) - A chartering authority shall monitor the fiscal, overall governance and student performance and legal compliance of the charter schools that it oversees, including reviewing the data provided by the charter school to support ongoing evaluation according to the charter contract. Every chartering authority may conduct or require oversight activities that allow the chartering authority to fulfill its responsibilities under the Charter Schools Act, *including conducting appropriate inquiries and investigations*; provided that the chartering authority complies with the provisions of the Charter Schools Act and the terms of the charter contract and does not unduly inhibit the autonomy granted to the charter schools that it governs.

22-8B-17 - The "charter schools division" is created in the department. The division shall:

- A. provide staff support to the commission;

Contractual Provisions:

Section 4.03 (f)(iii) - The Authorizer shall conduct and/or require oversight activities according to its policies and procedures to allow the Authorizer to fulfill its responsibilities under the Act, *including conducting appropriate inquiries and investigations, when warranted.*

Section 4.03 (f)(vi) - The Authorizer shall notify the School in a timely manner of unsatisfactory performance on the organizational, academic or financial frameworks, or any other factor that may result in an improvement plan, corrective action, nonrenewal or revocation as determined during the annual site visit or at any other time.

Section 8.11 (a) - The School must establish a process for resolving community, parental, and other public complaints. The process shall afford the opportunity for the complainants to be heard by the head administrator and/or the School's governing body. The governing body shall be the final determiner of the complaint unless the complainant has additional legal remedies or requirements provided by law.

Section 8.11 (b) - The Authorizer agrees to notify the School of all written complaints about the School that the Authorizer receives. The notification shall be made immediately or as soon as is practicable under the circumstances, but not later than 10 business days after its receipt

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by the Authorizer. The notice shall include the substance of the complaint, taking into consideration any complainant's request for anonymity. *The School shall respond to the complaint according to its prescribed complaint procedures and shall notify the Authorizer through its legal counsel of the School's response to the complaint within the timeframe prescribed in the notice of the complaint.*

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Proposed PEC/CSD Written Complaint Policy and Protocol

Policy:

A. Upon receipt of any written complaint from a public member outside of the PED, the Charter School Division (CSD) will evaluate the complaint within 10 business days to determine if the complaint is an allegation of statutory, regulatory, or contractual non-compliance.

B. If a complaint is not an allegation of statutory, regulatory, or contractual non-compliance, CSD will ~~provide:~~

~~1) Provide~~ the school that is the subject of the complaint with notice of the complaint, and copy the complainant, within 10 business days of CSD's receipt of the complaint. The notice of the complaint shall ÷

1) describe the substance of the complaint, and include a copy of the complaint, redacted as necessary to protect a complainant's request for anonymity, ~~and.~~

~~i) require the school to notify CSD~~ Provide a copy of the ~~school's response to the complaint, which must comply with the school's established process for resolving community, parental, and other public complaints, no later than 45 calendar days after the notice of complaint is sent to the school.~~

2) ~~If person who submitted~~ the school does not timely provide CSD notification ~~of complaint and notify~~ the school's response to complainant that the complaint, CSD shall provide a reminder and notify the school that if they do not provide a response prior to the release of the agenda for the next PEC meeting, the school will should be included on addressed at the agenda under school level according to the "Schools of Concern" agenda item. school grievance process.

~~2) The school's response and CSD's notice of complaint shall be kept in the school's public file, with redactions necessary to protect the identity of students and other confidential information.~~

B.C. If a complaint is an allegation of statutory, regulatory, or contractual violations, CSD will ~~either engage in fact finding regarding the allegations through an~~

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~~investigation~~investigate or, where jurisdiction over the matter properly lies with another agency or division, refer the allegation(s) to the appropriate agency or division.

1) When it is appropriate for CSD to engage in ~~fact finding regarding the allegations through~~ an investigation, CSD will provide the school that is the subject of the allegations with notice of investigation of alleged non-compliance, and copy the complainant, within 10 business days of CSD's receipt of the allegations.

- i) The notice of investigation of alleged non-compliance shall:
 - a. specifically identify the statutory, regulatory, or contractual provisions that the school is alleged to be violating,
 - b. specifically identify ~~the~~any information, documents, and evidence, ~~and information~~ the school must provide,
 - c. include a copy of the allegations, redacted as necessary to protect a complainant's request for anonymity, and
 - d. require the school to respond in writing and provide ~~the~~any requested information, documents, and evidence, ~~and information~~ no later than 10 business days after the notice of investigation is sent to the school.
- ii) A school may request an extension of the time to respond in writing. CSD shall grant an extension of no more than 5 business days.
- iii) If the school does not timely provide CSD the requested documents, evidence, and information, CSD shall provide a reminder and notify the school that if they do not provide a response prior to the release of the agenda for the next PEC meeting, the school will be included on the agenda under the "Schools of Concern" agenda item. A school that is included on the agenda for the next PEC meeting shall be notified by email at least 5 business days prior to the meeting.
- iv) If more information is needed, CSD may request additional information using the same protocol as used to initially request information or may conduct either an announced or unannounced ~~auditing~~investigatory visit

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to the school.

v) Within 45 calendar days of the receipt of the school's written response, information, documents, and evidence, ~~and information,~~ CSD shall notify the school of its preliminary ~~fact finding and~~ findings regarding compliance.

vi) The school shall have 15 business days to provide additional information, evidence, and a written response to the CSD's preliminary ~~fact finding and~~ findings regarding compliance.

vii) CSD shall make its final findings within 10 business days of receiving the school's response to CSD's preliminary findings.

2) When it is appropriate for CSD to refer the allegation(s) to another agency or division ~~off~~for investigation, CSD will forward the allegations, and copy the school and complainant, within 10 business days of CSD's receipt of the allegation.

i) The notice of communication with the other agency or division shall:

- a. specifically identify the statutory, regulatory, or contractual provisions that the school is alleged to be violating,
- b. include a copy of the allegations, which when copied to the school will be redacted as necessary to protect a complainant's request for anonymity, and
- c. request the agency provide CSD an update on their investigation or process in handling the allegations as soon as possible.

~~3) The initial allegations, all correspondence concerning the allegations, as well as the final factual findings or the outcome of~~ If CSD conducts an investigation ~~by CSD or any other division or agency shall be kept in the school's public file, with redactions necessary to protect the identify of students and other confidential information.~~

~~C.D.~~ If CSD conducts a fact finding investigation which reveals non-compliance

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that can be corrected by the school:

~~i) No later than 10 business days after CSD makes a finding of non-compliance,~~ CSD shall present ~~the~~its findings and required evidence of compliance, ~~with a timeframe for submission of no less than 10 and no more than 30 business days,~~ in a written report ~~no later than 30 business days after the findings are identified, to:~~

1) to the charter school's head administrator, and the president of the charter school's governing body.

i) The school shall be given at least 10 business days, but no more than 30 business days after receipt of CSD's written report to provide the required evidence of compliance, or to bring the matter to the PEC pursuant to subsection b below.

ii) The notice shall inform the charter school of its options as identified in subpart 2) below.

~~ii) The charter school, through its head administrator or governing body, may either accept the CSD reportfindings and requirements or may request to be added to the next PEC agenda for the PEC to consider facts, findings, and required evidence of compliance presented in the CSD report along with any response, evidence or documents submitted by the school to CSD at least 10 calendar days prior to the scheduled PEC meeting date.~~

~~iii) If the charter school's does not request to be placed on the PEC's agenda and does not timely provide the evidence of compliance required by CSD within the timeframes presented in the written report, CSD shall notify the school that CSD will be considered by the PEC at the next scheduled meeting. CSD will provide the PEC with its findings in the written report and all responses, evidence or documents submitted by the school to CSD at least 10 calendar days prior to the scheduled PEC meeting date.~~

~~i) If CSD conducts a fact finding investigation which reveals non-~~

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~~compliance that cannot reasonably be corrected by the school. CSD shall notify the school that CSD will be considered by the PEC at the next scheduled meeting. CSD will provide the PEC with its findings in the written report and all responses, evidence or documents submitted by the school to CSD at least 10 calendar days prior to the scheduled PEC meeting date.~~

~~D.A. If another agency or division conducts an investigation and identifies non-compliance:~~

~~iv) If the agency or division establishes specific requirements and reporting to demonstrate compliance, the school shall provide CSD with evidence of compliance with those required actions.~~

~~v) If the agency or division does not establish requirements to demonstrate compliance, the CSD shall provide a written report acknowledging the other agency's findings and establishing required evidence of compliance, with a timeframe for submission of no less than 10 and no more than 30 business days, no later than 30 business days after the other agency's findings are provided to the CSD, to:~~

~~a. the charter school's head administrator, and~~

~~b. the president of the governing body.~~

~~4)2) The charter school, through its head administrator or governing body, may either accept the CSD requirements or may request to be added to the next PEC agenda for the PEC to consider facts, CSD's findings, and required evidence of compliance presented in the CSD report along with any response, evidence or documents submitted by the school to CSD at least 10 calendar days prior to the scheduled PEC meeting date.~~

3) If the charter school's school requests to be added to the next PEC agenda::

i) CSD shall notify the charter school by email at least 15 business days prior to the meeting that the charter school will be included on the agenda for the next PEC meeting.

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ii) The charter school shall submit any responses, information, evidence, or documents it wishes to have considered by the PEC to CSD at least 10 calendar days prior to the scheduled PEC meeting date.

~~2)4) If the charter school does not request to be placed on the PEC's agenda and does not timely provide the evidence of compliance required by CSD within the timeframes presented in the written report, CSD shall notify the school that CSD will be considered by the PEC at the next scheduled meeting. CSD will provide the PEC with its findings in the written report and all responses, evidence or documents submitted by the school to CSD at least 10 calendar days prior to the scheduled PEC meeting date.~~

i) CSD shall notify the charter school by email at least 15 business days prior to the meeting that the charter school will be included on the agenda for the next PEC meeting.

ii) The charter school shall submit any responses, information, evidence, or documents it wishes to have considered by the PEC to CSD at least 10 calendar days prior to the scheduled PEC meeting date.

iii) CSD will provide the PEC with its findings in the written report and all responses, evidence or documents submitted by the school to CSD at least 10 calendar days prior to the scheduled PEC meeting date.

E. If CSD conducts an investigation which reveals non-compliance that cannot reasonably be corrected by the school:

i) No later than 10 business days after CSD makes a finding of non-compliance, CSD shall present its findings in a written report to the charter school's head administrator and the president of the charter school's governing body.

a. The report shall notify the school that the matter will be considered by the PEC at a meeting that shall be held no less than 15 business days from the charter school's receipt of the notice and written report.

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b. The charter school shall submit any responses, information, evidence, or documents it wishes to have considered by the PEC to CSD at least 10 calendar days prior to the scheduled PEC meeting date.

ii) CSD will provide the PEC with its findings in the written report and all responses, evidence or documents submitted by the school to CSD at least 10 calendar days prior to the scheduled PEC meeting date.

F. If another agency or division conducts an investigation and identifies non-compliance:

1) If the agency or division establishes specific requirements and reporting to demonstrate compliance and the agency or division does not report to CSD on the charter school's compliance, CSD may require the school to provide CSD with evidence of compliance with those required actions.

2) If the agency or division does not establish requirements to demonstrate compliance, no later than 30 business days after CSD's receipt of the other agency or divisions findings, acknowledge the other agency's findings and establish required evidence of compliance in a written report to the charter school's head administrator and the president of the charter school's governing body.

i) The school shall be given at least 10 business days, but no more than 30 business days after receipt of CSD's written report to provide the required evidence of compliance, or to bring the matter to the PEC pursuant to subsection b below.

ii) The notice shall inform the charter school of its options as identified in subpart 3) below.

3) The charter school, through its head administrator or governing body, may either accept the CSD requirements or may request to be added to the next PEC agenda for the PEC to consider the other agency or division's findings and CSD's required evidence of compliance presented in the CSD report along with any response, evidence or documents submitted by the school to CSD at least 10

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calendar days prior to the scheduled PEC meeting date.

4) If the charter school requests to be added to the next PEC agenda:

i) CSD shall notify the charter school by email at least 15 business days prior to the meeting that the charter school will be included on the agenda for the next PEC meeting.

ii) The charter school shall submit any responses, information, evidence, or documents it wishes to have considered by the PEC to CSD at least 10 calendar days prior to the scheduled PEC meeting date.

5) If the charter school does not request to be placed on the PEC's agenda and does not timely provide the evidence of compliance required by CSD within the timeframes presented in the written report:

i) CSD shall notify the charter school by email at least 15 business days prior to the meeting that the charter school will be included on the agenda for the next PEC meeting.

ii) The charter school shall submit any responses, information, evidence, or documents it wishes to have considered by the PEC to CSD at least 10 calendar days prior to the scheduled PEC meeting date.

iii) CSD will provide the PEC with the other agency or division's findings and CSD's requirements in the written report and all responses, evidence or documents submitted by the school to CSD at least 10 calendar days prior to the scheduled PEC meeting date.

G. If the school is added to the PEC's agenda ~~for~~ the PEC ~~to~~ shall determine whether the charter school's fiscal, overall governance or legal compliance is unsatisfactory and what action should be taken to correct the charter school's fiscal, overall governance or legal compliance, ~~in~~

~~3)1)~~ In making this determination, the PEC shall consider:

- i) all correspondence regarding the allegations to or from CSD,
- ii) the CSD report,

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- iii) the initial allegations of non-compliance,
- iv) reports from other regulatory divisions or agencies, or law enforcement agencies,
- v) the charter school's response(s) to CSD,
- vi) all ~~written~~ evidence, documents, or information provided by the charter school to the CSD at least 10 calendar days prior to the PEC meeting, and
- vii) the charter school's presentation during the PEC meeting.

E.H. If the PEC determines that the charter school's fiscal, overall governance or legal compliance is unsatisfactory, the PEC may, depending on the severity of the identified non-compliance:

- 1) ~~notify~~ Notify the governing body of the charter school ~~that it must~~ of the unsatisfactory performance and require the charter school to provide the CSD with evidence that it has remedied the problem ~~as early as~~ in a response to the notice of unsatisfactory performance within no less than 10 business days ~~prior to the next PEC meeting;~~
- 2) ~~require~~ Require the governing body of the charter school to work with CSD to develop and execute a corrective action plan that sets forth time frames for compliance, submit that plan ~~as early as~~ 10 business days prior to the next PEC meeting, and present the plan to the PEC for approval at the next PEC meeting; ~~if~~ the charter school is unable to demonstrate that it has remedied the problem in a response to the notice of unsatisfactory performance.
- 3) issue a notice of intent to revoke the charter and schedule a revocation hearing; or
- 4) take or recommend other action as legally permissible.

I. The initial allegations, all correspondence concerning the allegations, as well as the final findings or the outcome of an investigation by CSD or any other division or

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agency shall be kept in the school's public file, with redactions necessary to protect the identify of students and other confidential information.

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Appendix of External Divisions/Agencies with Jurisdiction over Alleged Violations

Special Education Bureau –Special education law violations

EEOC – Employment law violations

Office of Civil Rights – Civil rights violations

_____ ~~ADA compliance~~

Licensure Complain Division – licensure complaints

PSFA - Facilities violations

Local Police Department - Criminal activity

School Budget Division – budget violations/misfeasance

Background:

Statutory Provisions:

22-8B-12 (D) - A chartering authority shall monitor the fiscal, overall governance and student performance and legal compliance of the charter schools that it oversees, including reviewing the data provided by the charter school to support ongoing evaluation according to the charter contract. Every chartering authority may conduct or require oversight activities that allow the chartering authority to fulfill its responsibilities under the Charter Schools Act, *including conducting appropriate inquiries and investigations*; provided that the chartering authority complies with the provisions of the Charter Schools Act and the terms of the charter contract and does not unduly inhibit the autonomy granted to the charter schools that it governs.

22-8B-17 - The "charter schools division" is created in the department. The division shall:

- A. provide staff support to the commission;

Contractual Provisions:

Section 4.03 (f)(iii) - The Authorizer shall conduct and/or require oversight activities according to its policies and procedures to allow the Authorizer to fulfill its responsibilities under the Act, *including conducting appropriate inquiries and investigations, when warranted.*

Section 4.03 (f)(vi) - The Authorizer shall notify the School in a timely manner of unsatisfactory performance on the organizational, academic or financial frameworks, or any other factor that may result in an improvement plan, corrective action, nonrenewal or revocation as determined during the annual site visit or at any other time.

Section 8.11 (a) - The School must establish a process for resolving community, parental, and other public complaints. The process shall afford the opportunity for the complainants to be heard by the head administrator and/or the School's governing body. The governing body shall be the final determiner of the complaint unless the complainant has additional legal remedies or requirements provided by law.

Section 8.11 (b) - The Authorizer agrees to notify the School of all written complaints about the School that the Authorizer receives. The notification shall be made immediately or as soon as is practicable under the circumstances, but not later than 10 business days after its receipt

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by the Authorizer. The notice shall include the substance of the complaint, taking into consideration any complainant's request for anonymity. *The School shall respond to the complaint according to its prescribed complaint procedures and shall notify the Authorizer through its legal counsel of the School's response to the complaint within the timeframe prescribed in the notice of the complaint.*

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Proposed PEC/CSD Written Complaint Policy and Protocol

Policy:

- A. Upon receipt of any written complaint from a public member outside of the PED, the Charter School Division (CSD) will evaluate the complaint within 10 business days to determine if the complaint is an allegation of statutory, regulatory, or contractual non-compliance.
- B. If a complaint is not an allegation of statutory, regulatory, or contractual non-compliance, CSD will:
 - 1) Provide the school that is the subject of the complaint with notice of the complaint, and copy the complainant, within 10 business days of CSD's receipt of the complaint. The notice of the complaint shall describe the substance of the complaint, and include a copy of the complaint, redacted as necessary to protect a complainant's request for anonymity.
 - 2) Provide a copy of the notice of complaint to the person who submitted the complaint and notify the complainant that the complaint should be addressed at the school level according to the school grievance process.
- C. If a complaint is an allegation of statutory, regulatory, or contractual violations, CSD will investigate or, where jurisdiction over the matter properly lies with another agency or division, refer the allegation(s) to the appropriate agency or division.
 - 1) When it is appropriate for CSD to engage in an investigation, CSD will provide the school that is the subject of the allegations with notice of investigation of alleged non-compliance, and copy the complainant, within 10 business days of CSD's receipt of the allegations.
 - i) The notice of investigation of alleged non-compliance shall:
 - a. specifically identify the statutory, regulatory, or contractual provisions that the school is alleged to be violating,
 - b. specifically identify any information, documents, and evidence the school must provide,
 - c. include a copy of the allegations, redacted as necessary to

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- protect a complainant's request for anonymity, and
 - d. require the school to respond in writing and provide any requested information, documents, and evidence no later than 10 business days after the notice of investigation is sent to the school.
 - ii) A school may request an extension of the time to respond in writing. CSD shall grant an extension of no more than 5 business days.
 - iii) If the school does not timely provide CSD the requested documents, evidence, and information, CSD shall provide a reminder and notify the school that if they do not provide a response prior to the release of the agenda for the next PEC meeting, the school will be included on the agenda under the "Schools of Concern" agenda item. A school that is included on the agenda for the next PEC meeting shall be notified by email at least 5 business days prior to the meeting.
 - iv) If more information is needed, CSD may request additional information using the same protocol as used to initially request information or may conduct either an announced or unannounced investigatory visit to the school.
 - v) Within 45 calendar days of the receipt of the school's written response, information, documents, and evidence, CSD shall notify the school of its preliminary findings regarding compliance.
 - vi) The school shall have 15 business days to provide additional information, evidence, and a written response to the CSD's preliminary findings regarding compliance.
 - vii) CSD shall make its final findings within 10 business days of receiving the school's response to CSD's preliminary findings.
- 2) When it is appropriate for CSD to refer the allegation(s) to another agency or division for investigation, CSD will forward the allegations, and copy the school and complainant, within 10 business days of CSD's receipt of the allegation.

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- i) The notice of communication with the other agency or division shall:
 - a. specifically identify the statutory, regulatory, or contractual provisions that the school is alleged to be violating,
 - b. include a copy of the allegations, which when copied to the school will be redacted as necessary to protect a complainant's request for anonymity, and
 - c. request the agency provide CSD an update on their investigation or process in handling the allegations as soon as possible.
- D. If CSD conducts an investigation which reveals non-compliance that can be corrected by the school:
 - 1) No later than 10 business days after CSD makes a finding of non-compliance, CSD shall present its findings and required evidence of compliance in a written report to the charter school's head administrator and the president of the charter school's governing body.
 - i) The school shall be given at least 10 business days, but no more than 30 business days after receipt of CSD's written report to provide the required evidence of compliance, or to bring the matter to the PEC pursuant to subsection b below.
 - ii) The notice shall inform the charter school of its options as identified in subpart 2) below.
 - 2) The charter school, through its head administrator or governing body, may either accept the CSD findings and requirements or may request to be added to the next PEC agenda for the PEC to consider CSD's findings, and required evidence of compliance presented in the CSD report along with any response, evidence or documents submitted by the school to CSD at least 10 calendar days prior to the scheduled PEC meeting date.
 - 3) If the charter school requests to be added to the next PEC agenda::

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- i) CSD shall notify the charter school by email at least 15 business days prior to the meeting that the charter school will be included on the agenda for the next PEC meeting.
 - ii) The charter school shall submit any responses, information, evidence, or documents it wishes to have considered by the PEC to CSD at least 10 calendar days prior to the scheduled PEC meeting date.
- 4) If the charter school does not request to be placed on the PEC's agenda and does not timely provide the evidence of compliance required by CSD within the timeframes presented in the written report:
 - i) CSD shall notify the charter school by email at least 15 business days prior to the meeting that the charter school will be included on the agenda for the next PEC meeting.
 - ii) The charter school shall submit any responses, information, evidence, or documents it wishes to have considered by the PEC to CSD at least 10 calendar days prior to the scheduled PEC meeting date.
 - iii) CSD will provide the PEC with its findings in the written report and all responses, evidence or documents submitted by the school to CSD at least 10 calendar days prior to the scheduled PEC meeting date.
- E. If CSD conducts an investigation which reveals non-compliance that cannot reasonably be corrected by the school:
 - i) No later than 10 business days after CSD makes a finding of non-compliance, CSD shall present its findings in a written report to the charter school's head administrator and the president of the charter school's governing body.
 - a. The report shall notify the school that the matter will be considered by the PEC at a meeting that shall be held no less than 15 business days from the charter school's receipt of the notice and written report.
 - b. The charter school shall submit any responses, information,

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evidence, or documents it wishes to have considered by the PEC to CSD at least 10 calendar days prior to the scheduled PEC meeting date.

- ii) CSD will provide the PEC with its findings in the written report and all responses, evidence or documents submitted by the school to CSD at least 10 calendar days prior to the scheduled PEC meeting date.

F. If another agency or division conducts an investigation and identifies non-compliance:

- 1) If the agency or division establishes specific requirements and reporting to demonstrate compliance and the agency or division does not report to CSD on the charter school's compliance, CSD may require the school to provide CSD with evidence of compliance with those required actions.
- 2) If the agency or division does not establish requirements to demonstrate compliance, no later than 30 business days after CSD's receipt of the other agency or divisions findings, acknowledge the other agency's findings and establish required evidence of compliance in a written report to the charter school's head administrator and the president of the charter school's governing body.
 - i) The school shall be given at least 10 business days, but no more than 30 business days after receipt of CSD's written report to provide the required evidence of compliance, or to bring the matter to the PEC pursuant to subsection b below.
 - ii) The notice shall inform the charter school of its options as identified in subpart 3) below.
- 3) The charter school, through its head administrator or governing body, may either accept the CSD requirements or may request to be added to the next PEC agenda for the PEC to consider the other agency or division's findings and CSD's required evidence of compliance presented in the CSD report along with any response, evidence or documents submitted by the school to CSD at least 10 calendar days prior to the scheduled PEC meeting date.

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- 4) If the charter school requests to be added to the next PEC agenda:
 - i) CSD shall notify the charter school by email at least 15 business days prior to the meeting that the charter school will be included on the agenda for the next PEC meeting.
 - ii) The charter school shall submit any responses, information, evidence, or documents it wishes to have considered by the PEC to CSD at least 10 calendar days prior to the scheduled PEC meeting date.
- 5) If the charter school does not request to be placed on the PEC's agenda and does not timely provide the evidence of compliance required by CSD within the timeframes presented in the written report:
 - i) CSD shall notify the charter school by email at least 15 business days prior to the meeting that the charter school will be included on the agenda for the next PEC meeting.
 - ii) The charter school shall submit any responses, information, evidence, or documents it wishes to have considered by the PEC to CSD at least 10 calendar days prior to the scheduled PEC meeting date.
 - iii) CSD will provide the PEC with the other agency or division's findings and CSD's requirements in the written report and all responses, evidence or documents submitted by the school to CSD at least 10 calendar days prior to the scheduled PEC meeting date.
- G. If the school is added to the PEC's agenda the PEC shall determine whether the charter school's fiscal, overall governance or legal compliance is unsatisfactory and what action should be taken to correct the charter school's fiscal, overall governance or legal compliance
 - 1) In making this determination, the PEC shall consider:
 - i) all correspondence regarding the allegations to or from CSD,
 - ii) the CSD report,

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- iii) the initial allegations of non-compliance,
 - iv) reports from other regulatory divisions or agencies, or law enforcement agencies,
 - v) the charter school's response(s) to CSD,
 - vi) all evidence, documents, or information provided by the charter school to the CSD at least 10 calendar days prior to the PEC meeting, and
 - vii) the charter school's presentation during the PEC meeting.
- H. If the PEC determines that the charter school's fiscal, overall governance or legal compliance is unsatisfactory, the PEC may, depending on the severity of the identified non-compliance:
- 1) Notify the governing body of the charter school of the unsatisfactory performance and require the charter school to provide the CSD with evidence that it has remedied the problem in a response to the notice of unsatisfactory performance within no less than 10 business days;
 - 2) Require the governing body of the charter school to work with CSD to develop and execute a corrective action plan that sets forth time frames for compliance, submit that plan 10 business days prior to the next PEC meeting, and present the plan to the PEC for approval at the next PEC meeting, if the charter school is unable to demonstrate that it has remedied the problem in a response to the notice of unsatisfactory performance,
 - 3) issue a notice of intent to revoke the charter and schedule a revocation hearing;
or
 - 4) take or recommend other action as legally permissible.
- I. The initial allegations, all correspondence concerning the allegations, as well as the final findings or the outcome of an investigation by CSD or any other division or agency shall be kept in the school's public file, with redactions necessary to protect the identify of students and other confidential information.

Appendix of External Divisions/Agencies with Jurisdiction over Alleged Violations

Special Education Bureau –Special education law violations

EEOC – Employment law violations

Office of Civil Rights – Civil rights violations

Licensure Complain Division – licensure complaints

PSFA - Facilities violations

Local Police Department - Criminal activity

School Budget Division – budget violations/misfeasance



New Mexico Public Education Department Charter School Division - Complaint Form

****Submissions will not be processed without evidence that you have sought resolution with the school and its governing body first.****

Date

Email Address

First Name

Last Name

Street Address

Street Address Line 2

City

State

Zip Code

.....
Date of incident or situation

School Name

Please describe process you have utilized to seek resolution with the school and its governing body. Include date of correspondence with school and school's governing body and school's response.

Please describe what happened and identify any violations of law or the charter contract. Be as detailed as possible.

Desired outcome

*Please attach the following:

- 1) Evidence and documentation to support the facts described.
- 2) All correspondence, with attached documents, between you and the governing body and or leadership of the school regarding the matter of the complaint.
- 3) Evidence that you have sought resolution of this matter with the school's governing body.