



INTRODUCTION

This document outlines the process to file a complaint with the North Carolina Department of Public Instruction Office of Charter Schools about possible violations of state law. The purpose of this document is to provide helpful, general information to the public. The guidelines and information provided here do not constitute legal advice, nor does it serve as a substitute for consulting with a licensed attorney. The information below should not be relied upon as a comprehensive or definitive response to your specific situation as this document may not include a complete rendition of applicable state and federal law.

STEPS TO TAKE BEFORE FILING A COMPLAINT

Prior to filing a complaint with the Office of Charter Schools (OCS), one must first exhaust all avenues provided in the school's grievance policy. Charter schools are expected to be the primary recipient of complaints filed against them and are expected to be the first to respond to and attempt to bring resolution to those complaints. To initiate the school grievance process, you must contact the school's administration and ask for the school's grievance policy. The school's grievance policy should provide instructions for initiating the school grievance process as a means to have your concern(s) addressed.

However, if you believe a federal law has been violated, such as a civil rights violation, you may pursue a complaint immediately with the appropriate organization. You should also feel free to consult with a licensed attorney at any time regarding your claims.

WHO MAY FILE A COMPLAINT?

Anyone, including an organization, may file a complaint with OCS.

WHAT ARE THE TYPES OF COMPLAINTS?

Formal Complaints – involve a violation of the school’s charter agreement, bylaws, policies and procedures, or of state charter law. May result in an investigation by OCS staff.

Informal Complaints – do not violate charter law, the charter agreement, bylaws, school policies or procedures and should be resolved at the school level with leadership and the governing Board of Directors. You may send these complaints to OCS for review, but they will not result in an investigation.

WHAT TYPES OF CONCERNS HAVE PEOPLE EXPRESSED THROUGH THE COMPLAINT PROCESS?

Concerns regarding charter schools can vary but often fall under the following categories: charter violations (i.e. not doing what the charter states the school will do); operations; academics; bylaw violations; and health and safety concerns.

Please note that OCS is not obligated to investigate all charter school concerns. Once a complaint is filed, OCS staff will determine next steps and give guidance to the individual or organization filing the complaint. OCS is not a legal office and therefore cannot provide legal advice.

HOW TO FILE A COMPLAINT

Note that complainants should have followed Step 1 and Step 2 prior to filing a formal complaint with the Office of Charter Schools.

If you would like to file an informal complaint or statement of concern, not requiring investigation, you may send your complaint to ocs@dpi.nc.gov.

Step 1 – File a complaint with the School Administrator

Complainants should familiarize themselves with the school’s grievance policy. The individual should begin the process by contacting the school administrator to try to resolve any violations, issues, or complaints. Please document relevant communication with charter school staff.

Prior to bringing the complaint to the school leader, individuals should familiarize themselves with the school’s policies, guidelines, and reference materials.

- Such items may include, but are not limited to, parent handbooks, student discipline policies, dress code pamphlets, school-issued memos, by-laws, and the signed charter agreement.

Determine whether the school's actions related to the complaint fall within what is written in the school's policies and board approved bylaws.

*** If a complaint involves a **severe and imminent threat to student health and safety** it should be brought to the immediate attention of the school's administration, and if necessary, law enforcement, **first**; but may also be brought to the attention of the Office of Charter Schools who will in turn contact the school and seek to address and resolve the potential risk.

Step 2 – Appeal to the Board of Directors

If the grievance filed with the school administrator does not yield an outcome or decision that satisfies the complainant, you may appeal to the Board of Directors. The board meets publicly on a regular basis. Individuals are encouraged to either contact the Board directly to schedule items on the meeting agenda or contact the Board committee that deals with such matters.

Please refer to the charter school's bylaws on the appropriate action to take to submit a grievance to the Board of Directors. In most cases, this process will be outlined in the school's board approved grievance policy.

Appeal to the Office of Charter Schools

If you believe the school has violated a policy and/or law, and you did not receive satisfaction at the administrator and Board of Directors level, you may appeal to the Office of Charter Schools. The Office of Charter schools cannot investigate a grievance if there is no policy or legal violation alleged.

To file a complaint with OCS, use the online form found on the OCS website. Please read the form requirements carefully and answer all questions.

Formal complaints to OCS cannot be anonymous. If you would like to submit an anonymous complaint, you can send your concerns to ocs@dpi.nc.gov, but our office will be unable to take further action on your behalf.

If you do not have access or the ability to submit the form electronically, you can provide a signed written statement.

Requirements for Written Complaints

Complaints filed in writing must include your name, address and telephone number in addition to the name of the charter school. Your written complaint must include supporting documentation that provides evidence that the complainant has followed all steps of the school's grievance policy and procedure.

- Proof of following the grievance policy at the school level includes a copy of the formal complaint letter submitted to the board of directors and the official correspondence from the board including their final decision and/or action taken.

The complaint should include specific facts supporting the claim that a charter school has violated a requirement of state charter law along with a proposed resolution of the alleged violation.

Where to send the written, signed complaint:

By mail:

Office of Charter Schools
Attn: Ashley Baquero, Education Consultant
6307 Mail Service Center
Raleigh, NC 27699-6307

By email:

Written letter should be signed and scanned into a PDF format.
Email: ocs@dpi.nc.gov

WHAT DOES OCS DO ONCE IT RECEIVES THE COMPLAINT?

Upon receipt of a complaint that has satisfied **Step 2**, the Office will evaluate the following:

1. Does the complaint pertain to an issue that involves one or more of the following?
 - a. A violation of any provision of law
 - b. A violation, material in nature, of terms of the school's charter agreement
 - c. A violation of the school's policies and/or procedures
 - d. A school is not pursuing or meeting a pupil outcome identified in their charter application
 - e. A violation of generally accepted accounting principles or fiscal mismanagement

2. Has the school not provided a response or resolution that does not satisfy the complaint?

The Office will determine if corrective action is required using the following guidelines.

No Required Action

- A complaint does not pertain to at least one of the issues listed in bullet number one.
- A complaint has been sufficiently addressed by the charter school and governing board.

The Office of Charter Schools will provide notification of **no action required** to the complainant and school in writing following the conclusion of its evaluation.

Corrective Action Required

- A complaint pertains to one or more of the issues listed in bullet number one.
- A complaint has not been sufficiently addressed by the charter school and governing board.

The Office of Charter Schools will provide notification of **corrective action required** to the complainant and school in writing following the conclusion of its evaluation.

Communication will outline the complaint and request evidence of corrective action to remedy the violation/s within a specified timeframe.

All complaints received by the Office, regardless of the need for corrective action, are communicated to the charter school identified in the complaint. Please note the Office of Charter Schools does not hold the authority to hire or fire staff of a school or manage the operations of the school.

HOW LONG DOES IT TAKE TO PROCESS A COMPLAINT?

The Office of Charter Schools will attempt to resolve the complaint within thirty (30) days of receiving a written complaint. Due to the varying nature of complaints, some complaints may take more or less time to resolve.

- This timeline does not include when a complaint is brought before the OCS but has not gone through the full grievance process at the school level. In this case, the complainant will most likely be asked to pursue the grievance with the school first.
- This timeline starts when evidence is submitted that the governing Board of Directors has provided a resolution to the grievance brought before them and the complainant is dissatisfied, therefore bringing the formal complaint to the OCS level.

WHAT TYPE OF CORRESPONDENCE WILL BE USED?

The Office of Charter Schools will use two formal documents to correspond to complainants and schools regarding formal complaints that result in investigations or findings of facts. Some complaints can be resolved via phone or email without formal investigations.

- Grievance Notification Form – this document captures and records formal complaints submitted to the Office of Charter Schools. Once this form is sent to the school a formal investigation will be taken up to uncover facts and evidences on the claimed violations.
- Complaint Closure Form – this document reports the findings of any investigation taken by the Office of Charter Schools and may require corrective action from the school.