SECTION 1. 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. It is the policy of the Board of Education 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 of Education 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.

SECTION 2. DEFINITIONS.
(a) "Level One Administrator" means the principal of a school with respect to teachers and other certified personnel assigned to that school. With respect to the certified administrators supervised directly by the Superintendent, the Level One Administrator shall be the Superintendent. In any case not covered by this paragraph, the "Level One Administrator" shall be the supervisory certificated person designated by the Superintendent.
(b) "Central Office Administrator" means the local school system superintendent.
(c) "Complaint" means any claim or grievance by a certificated employee of this school district which is filed pursuant to this policy and which comes within the scope of this policy.

SECTION 3. SCOPE OF COMPLAINT; EXCLUSIONS.
(a) Scope. Unless excluded by paragraph (b) hereof, this complaint and grievance procedure is applicable to any complaint by any professional employee certificated by the State Board of Education 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 district or with which the district is required to comply.

(b) 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, nonrenewal, demotion, suspension, or reprimand of any employee, as set forth in Code Section 20-2-940;
4) The revocation, suspension, or denial of certificates of any employee, as set forth in Code Section 20-2-790;

(c) A certified employee who chooses to appeal under Code Section 20-2-1160 shall be barred from pursuing the same complaint under this policy.

SECTION 4. HEARING RIGHTS; EVIDENCE; REPRESENTATION; DECISIONS; RECORDS; TIME LINES; APPEALS; NOTICE.

(a) Hearing; 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 or Third Hearing levels unless notice of the Complainant’s intention and the evidence to be submitted is given 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 Superintendent. When hearing an appeal from a prior level, the local board of education shall hear it de novo.

(b) Representation. The Complainant and the Administrator against whom the complaint is filed or whose decision is appealed shall be entitled to the assistance of another person, including an attorney, in the presentation of the complaint and the response at the central office administrator and at the local board of education level. The presence of any individual other than the Complainant and the Administrator at Level One is prohibited, except witnesses who present testimony or documents.

(c) Hearing Officer. The local board of education 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 participate in the presentation of the case for either party.

(d) Overall Hearing Time Schedules. The time frame from the initiation of the complaint until notice of the decision by the local board to the Complainant shall not exceed sixty (60) days.

(e) Automatic Referral To Next Level. Any complaint not processed by the Administrator or the local unit of administration within the time frame required by this policy shall be forwarded to the next level of the complaint procedure for determination.

(f) 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 at all times; 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 local board of education. The cost of preparing a transcript of the testimony at any level shall be paid by the party requesting the same.

(g) Decisions. Each decision shall be made in writing and dated, and shall contain findings of fact and reasons for the particular decision reached.

(h) Notice. The decision at each level shall be delivered to the complainant by a person designated by the Superintendent, either by (1) 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 board of education.

SECTION 5. FIRST LEVEL; PRESENTATION; TIME; 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:

a. The mailing address of the Complainant to which all notices and other documents may be mailed;

b. The intent of the Complainant to utilize this complaint procedure, clearly stated;

c. A reference or description of the statute, policy, rule, contract provision or regulation that is alleged to have been violated, misinterpreted or misapplied; and

d. 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.

e. A statement of the relief desired.

The Superintendent shall prepare forms for use in accordance with this policy.

SECTION 6. 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. The Administrator shall conduct a hearing on the complaint, render a decision and notify the Complainant as provided in Section 4 within ten (10) day of the filing of the complaint.

SECTION 7. SECOND LEVEL; APPEAL FROM FIRST LEVEL TO CENTRAL OFFICE ADMINISTRATOR. A Complainant dissatisfied with the decision of the first level
shall be entitled to appeal to the Central Office Administrator by filing written notice of appeal with the Office of the Superintendent. The appeal must be filed within ten (10) calendar days after Complainant is notified of the Level One decision as provided in Section 4. The Central Office Administrator shall record the date of the filing on the appeal and shall notify the Complainant of the time and place of the hearing.

The Central Office Administrator shall obtain the records of the Level One proceeding and shall conduct a hearing, render a decision, and notify the Complainant with ten (10) calendar days of the date of filing the appeal.

SECTION 8. THIRD LEVEL; APPEAL TO BOARD OF EDUCATION. A Complainant or Level One Administrator dissatisfied with the decision of the Level Two Administrator may appeal to the Board of Education by filing written notice of appeal with the Office of Superintendent. The appeal must be filed within ten (10) calendar days after Complainant is notified of the Level Two decision as provided in Section 4. The Superintendent shall mark the date of filing of the appeal, and shall promptly give notice to the Complainant in writing of the time and place of hearing. The Complainant and Administrators against whom the complaint is filed or whose decision is being appealed shall be entitled to appear before the Board of Education and be heard. The Board of Education may direct that a pre-hearing conference be held prior to the hearing to identify issues and facilitate presentation. The local board shall render its decision, and notify Complainant within sixty (60) calendar days after the complaint was filed.

SECTION 9. APPEALS TO STATE BOARD. Appeals from the decision of the local board to the State Board of Education shall be governed by the State Board policy governing appeals and O.C.G.A. ' 20-2-1160.

SECTION 10. REPRISALS PROHIBITED. No certificated personnel shall be subjected to reprisals as a result of filing any complaint under this policy. Any reprisal may be referred to the Professional Practices Commission.

SECTION 11. COLLECTIVE BARGAINING DISCLAIMER. Nothing in this policy shall be construed to permit or foster collective bargaining.
BLECKLEY COUNTY BOARD OF EDUCATION

COMPLAINT APPEAL FORM

Individual Filling Appeal

Name ________________________________________________________________

Title of Position ________________________________________________________

Department or School ___________________________________________________

Date initial compliant was filed __________________________________________

1. I wish to appeal the decision of

   Name:  __________________________________________________________
   Title ____________________________________________________________

2. Reason for Appeal.

3. State Relief Sought.

   ________________________________
   ________________________________

   DATE ________________________________                        Employee

   Received and Filed ________________________________
   ________________________________
   (Date)

   ________________________________
   ________________________________

   Administrator
BLECKLEY COUNTY BOARD OF EDUCATION

COMPLIANT/APPEAL DISPOSITION FORM

Administrator who heard complaint/appeal:
Name ________________________________________________________________
Title _________________________________________________________________
Department or School __________________________________________________

Certificated employee who initiated complaint:
Name ________________________________________________________________
Title _________________________________________________________________
Department or School __________________________________________________

1. What are the issues involved in this compliant?

2. Has a violation or misapplication of a statute, policy, rule or regulation occurred? If so, which statute, policy, rule or regulation?

3. Decision reached:

4. Basis for decision:

DATE: ________________________ ________________________________________

Administrator
BLECKLEY COUNTY BOARD OF EDUCATION

CERTIFICATED EMPLOYEE COMPLAINT FORM

GENERAL INFORMATION

Name of Complainant ___________________________________________________

Mailing Address ________________________________________________________

________________________________________________________

Home Phone Number ________________________
          Office Number  ______________

Title _________________________________________________________________

Department or School ___________________________________________________

COMPLAINT INFORMATION

Statute, Policy, Rule or Regulation Involved.
Reference or description of statute, policy, rule or regulation alleged to have been violated or misapplied:

Facts as to Violation and Effect on Complainant.
(a) Brief statement of allegations showing the violation or misapplication of the statute, policy, rule or regulation:
(b) Statement as to how the alleged violation or misapplication affect Complainant in the employee relationship:

Statement of relief sought by Complainant:

The undersigned certificated employee hereby makes this complaint pursuant to Policy GAE of the ________________ Board of Education and shows that the facts stated above are true and correct

DATED: ____________________________  ________________

Employee

Received and Filed ____________________________  ____________________________

Administrator