SECTION 25: COMPLAINT PROCEDURES

Complaint Procedures are posted on the District website, distributed to all district employees, and shared with parents at all schools and the six (6) Title I Parent Centers at in July and August. Complaint procedures are also included in the Title I Principals' Handbook. There are multiple ways to report a complaint, Office of Internal Affairs, Internal Audits and communicated to the Title I office and staff.

Additionally, at all Principals, Title I funded staff trainings, Parent Trainings districtwide, a copy of the Complaint Procedures included and shared as part of the training. These trainings start in June and continue through October. Principals are also instructed to share the Complaint Procedures at faculty meetings and Parent meetings throughout the year.

A. Grounds for a Complaint

Any individual, organization or agency ("complainant") may file a complaint with the DeKalb County Board of Education if that individual, organization or agency believes and alleges that a local educational agency ("LEA") is violating a Federal statute or regulation that applies to a program under the Elementary and Secondary Education Act of 1965. The complaint must allege a violation that occurred not more than one (1) year prior to the date that the complaint is received, unless a longer period is reasonable because the violation is considered systemic or ongoing.

B. Federal Programs for Which Complaints Can Be Filed

1. Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies
2. Title I, Part B, Subpart 3: Even Start Family Literacy
3. Title I, Part C: Education of Migrant Children
4. Title I, Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk
5. Title I, Part F: Comprehensive School Reform
6. Title II, Part A: Teacher and Principal Training and Recruiting Fund
7. Title II, Part D: Enhancing Education through Technology
8. Title III, Part A: English Language Acquisition, Language Enhancement, and Academic Achievement
D. Investigation of Complaint

Within ten (10) days of receipt of the complaint, the Director of the program or his or her designee will issue a Letter of Acknowledgement to the complainant that contains the following information:

1. The date the LEA received the complaint;
2. How the complainant may provide additional information;
3. A statement of the ways in which the LEA may investigate or address the complaint; and
4. Any other pertinent information.

If the complaint involves other entities, the LEA will also send a copy of the Letter of Acknowledgement to the other entity, along with a copy of the complaint. The LEA will contact the other entity to clarify the issues and review the complaint process. If the complaint cannot be resolved through this contact, the LEA will invite the entity to submit a written response to the LEA, and to provide a copy of the response to the complainant.

Appropriate LEA staff will review the information and determine whether:

1. Additional information is needed;
2. An on-site investigation must be conducted;
3. Other measures must be taken to resolve the issues raised in the complaint; or
4. A Letter of Findings can be issued.

If additional information or an investigation is necessary, the LEA will have sixty (60) days from receipt of the information or completion of the investigation to issue a Letter of Findings.

If the Letter of Findings indicates that a violation has been found, corrective action will be required and timelines for completion will be included. Either the 30-day or the 60-day timelines outlined above may be extended, if exceptional circumstances exist. The Letter of Findings will be sent directly to the complainant, as well as the other parties involved.

E. Right of Appeal

If an individual, organization or agency is aggrieved by the final decision of the LEA, that individual, organization or agency has the right to request review of the decision by the Georgia Department of Education. A complaint may be made in writing to the Georgia Department of Education, or submitted via the online web complaint form at:

http://cdeo.org/iss_title.aspx or mailed to:

Georgia Department of Education
Office of Legal Services
SECTION 26: ETHICS AND FRAUD, WASTE, AND ABUSE

The DeKalb County Board of Education, desiring to operate in the most ethical and conscientious manner possible, adopts Board Member Code of Ethics and administrative regulations governing Whistleblower Protection, Code of Ethics for employees and staff conflict of interest. Each member of the Board agrees that he or she will abide by this policy. Each year the Office of Legal Affairs initiates the required training and communication to all employees on the district’s policy training to include the code of ethics. Schools and department logs are maintained of the employees’ participation in the code of ethics and required annual policy training. In addition, all new employees are also required to complete the policy training.

The Office of Legal Affairs, Internal Audits and Office of Federal Programs also posts information to the public on the website pages regarding ethics, fraud, waste and abuse. The OFP Assistant Director of Audits and Compliance also provides training to Title I schools in meetings, and/ or at the Principals Summit regarding federal compliance, whistleblower protection and requirements related to the reporting of fraud, waste and abuse and the district policies.

For a complete list of all School Board Operations Policies refer to the DSCC website at:


For a complete list of all Board approved ‘Personnel” Policies refer to the DSCC website at:


The Board reviews and adopts the policies and management ensures that these policies are distributed each year to all faculty and staff of DCSD who are required to initial receipt of such trainings. The Human Resource Division is responsible for providing guidance to all staff and faculty through trainings and obtaining the signed logs acknowledging that the trainings have been received/complete.. The Title I Title I Director reviews the policy each year with Title I School Administrators during a meeting and the Title I Title I Director’s Administrative assistant maintains a log to be submitted to HR of all OSI staff acknowledging receipt of training.
The Office of Internal Affairs will investigate non-financial matters and the Office of Internal Audit and Compliance will investigate financial matters.

Unless the Superintendent is the subject of the Complaint, the Superintendent or the Superintendent’s designee will be notified immediately, in writing, by the Compliance Officer receiving the Complaint, after a Complaint is filed under this regulation with either a supervisor, the Office of Internal Affairs, or the Office of Internal Audit and Compliance. If the Superintendent is the subject of the Complaint, the Chair of the Board of Education will be notified immediately, in writing, by the Compliance Officer receiving the Complaint, with a copy to the Vice Chair.

iii. In any situation where the Directors of the Office of Internal Affairs or the Office of Internal Audit and Compliance are the subject of the Complaint, the employee shall submit the Complaint directly to the Superintendent, with a copy to the Chair of the Board of Education.

iv. In any situation where the Superintendent is the subject of the Complaint, the employee shall submit the Complaint directly to the Chair of the Board of Education, with a copy to the Vice Chair of the Board of Education.

v. Nothing in this administrative regulation prohibits an employee from filing a Complaint, pertaining to the District, under Georgia’s Whistleblower Protection Act, O.C.G.A. § 45-1-4, with any government agency charged with the enforcement of laws, rules, or regulations. That is, an employee may contact an outside government agency directly to disclose a violation of the Georgia Whistleblower Protection Act, and is not required to utilize the internal District process set forth in this administrative regulation.

b. Form of the Complaint

The Complaint shall be in writing and shall include the following:

   i. The mailing address of the Complainant to which notices and all other documents may be delivered, in addition to a telephone number and e-mail address, if applicable, to facilitate communication during the course of the investigation;

   ii. A statement of the intent of the Complainant to utilize this Complaint procedure;
a. The Compliance Officer shall acknowledge receipt of the Complaint no later than ten (10) working days after said receipt. All witness interviews will be reduced to writing in the form of an affidavit, and sworn under penalty of perjury.

b. Before final findings are made, the Compliance Officer will interview the Respondent and any witness identified by the Respondent, along with other documentary evidence. The Compliance Officer will provide to the Respondent a copy of the Complaint and any documents, which shall become part of the record, and which will be given evidentiary consideration in the Final Investigative Report. The Respondent will have the opportunity to respond to the Complaint and to file a written statement, which shall become part of the record.

c. Employees are required to cooperate in the Complaint investigation, pursuant to the authority of the Superintendent and the District to conduct investigations. Employees are expected to protect confidentiality during the course of the investigation and after.

d. The Compliance Officer shall promptly investigate the Complaint and periodically advise the Complainant of its status until resolution. Where practicable, the investigation of the Complaint will be completed within thirty (30) working days. The District recognizes that some investigations may require a longer period of time, as dictated by the voluminous scope and forensic retrieval of evidence.

4. Determination

The Compliance Officer shall provide to the Complainant, the Respondent, and the Superintendent a Final Investigative Report, including a written determination of the factual validity of the Complaint and the recommended disposition of the Complaint. The final disposition of the Complaint will require approval of the Superintendent, or where the Superintendent is the subject of the Complaint, approval of the Board of Education. Where appropriate, the Compliance Officer shall meet separately with the Complainant and Respondent to review the outcome within ten (10) working days after the conclusion of the investigation. If a determination is made that a violation occurred, the District, through the Superintendent, shall take prompt, corrective action to prevent its recurrence and to provide a remedy, if applicable, to the Complainant. Notwithstanding the above, if the Superintendent is the subject of the Complaint, the Compliance Officer shall deliver the recommended, written determination to the Board of Education, which will be responsible for taking any necessary corrective action. Disciplinary action shall be consistent with Board policies, District procedures, and state and federal laws.

B. RETALIATION
"Certificate" refers to any teaching, service, or leadership certificate, license, or permit issued by authority of the Professional Standards Commission.

"Educator" is a teacher, school or school system administrator, or other education personnel who hold a certificate issued by the Professional Standards Commission and persons who have applied for but have not yet received a certificate. For the purposes of the Code of Ethics for Educators, "educator" also refers to paraprofessionals, aides, and substitute teachers.

"Student" is any individual enrolled in the state's public or private schools from preschool through grade 12 or any individual under the age of 18. For the purposes of the Code of Ethics and Standards of Professional Conduct for Educators, the enrollment period for a graduating student ends on August 31 of the year of graduation.

"Complaint" is any written and signed statement from a local board, the state board, or one or more individual residents of this state filed with the Professional Standards Commission alleging that an educator has breached one or more of the standards in the Code of Ethics for Educators. A "complaint" will be deemed a request to investigate.

"Revocation" is the invalidation of any certificate held by the educator.

"Denial" is the refusal to grant initial certification to an applicant for a certificate.

"Suspension" is the temporary invalidation of any certificate for a period of time specified by the Professional Standards Commission.

"Reprimand" admonishes the certificate holder for his or her conduct. The reprimand cautions that further unethical conduct will lead to a more severe action.

"Warning" warns the certificate holder that his or her conduct is unethical. The warning cautions that further unethical conduct will lead to a more severe action.

"Monitoring" is the quarterly appraisal of the educator's conduct by the Professional Standards Commission through contact with the educator and his or her employer. As a condition of monitoring, an educator is required to submit a criminal background check (GCIC). The Commission specifies the length of the monitoring period. "No Probable Cause" is a determination by the Professional Standards Commission that, after a preliminary investigation, either no further action need be taken or no cause exists to recommend disciplinary action.

Standard 1: Legal Compliance - An educator shall abide by federal, state, and local laws and statutes. Unethical conduct includes but is not limited to the commission or conviction of a felony or of any crime involving moral turpitude; of any other criminal offense involving the manufacture, distribution, trafficking, sale, or possession of a controlled substance or marijuana as provided for in Chapter 13 of Title 16; or of any other sexual offense as provided for in Code Section 16-6-1 through 16-6-17, 16-6-20, 16-6-22.2, or 16-12-100; or any other laws applicable to the profession. As used herein, conviction includes a finding or verdict of guilty, or a plea of nolo contendere, regardless of whether an appeal of the conviction has been sought; a situation where first offender treatment without adjudication of guilt pursuant to the charge was granted; and a situation where an adjudication of guilt or sentence was otherwise withheld or not entered on the charge or the charge was otherwise disposed of in a similar manner in any jurisdiction.
- submitting fraudulent requests or documentation for reimbursement of expenses or for pay (including fraudulent or purchased degrees, documents, or coursework);
- co-mingling public or school-related funds with personal funds or checking accounts; and
- using school property without the approval of the local board of education/governing board or authorized designee.

Standard 6: Remunerative Conduct - An educator shall maintain integrity with students, colleagues, parents, patrons, or businesses when accepting gifts, gratuities, favors, and additional compensation. Unethical conduct includes but is not limited to:
- soliciting students or parents of students to purchase equipment, supplies, or services from the educator or to participate in activities that financially benefit the educator unless approved by the local board of education/governing board or authorized designee;
- accepting gifts from vendors or potential vendors for personal use or gain where there may be the appearance of a conflict of interest;
- tutoring students assigned to the educator for remuneration unless approved by the local board of education/governing board or authorized designee; and
- coaching, instructing, promoting athletic camps, summer leagues, etc. that involves students in an educator's school system and from whom the educator receives remuneration unless approved by the local board of education/governing board or authorized designee. These types of activities must be in compliance with all rules and regulations of the Georgia High School Association.

Standard 7: Confidential Information - An educator shall comply with state and federal laws and state school board policies relating to the confidentiality of student and personnel records, standardized test material and other information. Unethical conduct includes but is not limited to:
- sharing of confidential information concerning student academic and disciplinary records, health and medical information, family status and/or income, and assessment/testing results unless disclosure is required or permitted by law;
- sharing of confidential information restricted by state or federal law;
- violation of confidentiality agreements related to standardized testing including copying or teaching identified test items, publishing or distributing test items or answers, discussing test items, violating local school system or state directions for the use of tests or test items, etc.; and
- violation of other confidentiality agreements required by state or local policy.

Standard 8: Abandonment of Contract - An educator shall fulfill all of the terms and obligations detailed in the contract with the local board of education or education agency for the duration of the contract. Unethical conduct includes but is not limited to:
- abandoning the contract for professional services without prior release from the contract by the employer, and
- willfully refusing to perform the services required by a contract.
The Professional Standards Commission is authorized to suspend, revoke, or deny certificates, to issue a reprimand or warning, or to monitor the educator's conduct and performance after an investigation is held and notice and opportunity for a hearing are provided to the certificate holder. Any of the following grounds shall be considered cause for disciplinary action against the holder of a certificate:

- unethical conduct as outlined in The Code of Ethics for Educators, Standards 1-10 (PSC Rule 505-6-.01);
- disciplinary action against a certificate in another state on grounds consistent with those specified in the Code of Ethics for Educators, Standards 1-10 (PSC Rule 505-6-.01);
- order from a court of competent jurisdiction or a request from the Department of Human Resources that the certificate should be suspended or the application for certification should be denied for non-payment of child support (O.C.G.A. §§19-6-28.1 and §19-11-9.3);
- notification from the Georgia Higher Education Assistance Corporation that the educator is in default and not in satisfactory repayment status on a student loan guaranteed by the Georgia Higher Education Assistance Corporation (O.C.G.A. §20-3-295);
- suspension or revocation of any professional license or certificate;
- violation of any other laws and rules applicable to the profession; and
- any other good and sufficient cause that renders an educator unfit for employment as an educator.

An individual whose certificate has been revoked, denied, or suspended may not serve as a volunteer or be employed as an educator, paraprofessional, aide, substitute teacher or in any other position during the period of his or her revocation, suspension or denial for a violation of The Code of Ethics. The superintendent and the superintendent’s designee for certification shall be responsible for assuring that an individual whose certificate has been revoked, denied, or suspended is not employed or serving in any capacity in their district. Both the superintendent and the superintendent’s designee must hold Gaps certification.

Authority O.C.G.A. § 20-2-200; 20-2-981 through 20-2-984.5