

Charter School Policy and Procedures Regarding Appointment of a
Special Magistrate for Unresolved Student Welfare Complaints

A. **PURPOSE.** This policy is implemented to address parent complaints related to the Section 1001.452(8)(c)1.-6., Florida Statute. This policy shall comply with requirements of 6A-6.0791, Florida Administrative Code, Section 1001.42(8), Florida Statute and other applicable laws and rules. This policy shall incorporate Section 1001.452(8)(c)1.-6., Florida Statute, as amended. In the event of a conflict between this policy and Florida Law and/or Florida Department of Education Rule, the amended and/or restated Florida Law or Florida Department of Education Rule shall prevail. For purposes of this policy, the term “days” shall mean business days and excludes state, federal, school and school district holidays.

B. **GRIEVANCES ADDRESSED BY THIS POLICY.** The “Parental Rights in Education” Law sets forth specific procedures for parent complaints falling into those categories specified in Section 1001.42(8)(c)1.-6., Florida Statute. The process for requesting a special magistrate for unresolved disputes at a charter school is found in Rule 6A-6.0791, Florida Administrative Code. This rule requires the School to adopt procedures for a parent to notify the principal, or the principal’s designee, of their concerns and the process for resolving those concerns within seven calendar days after notification by the parent. The types of complaints that parents may request a Special Magistrate must be based upon the provisions set forth in section (s.) 1001.42(8)(c)1.-6., Florida Statute. This includes any complaints or disputes related to the following:

1. Concerns related to procedures for notifying a student’s parent if there is a change in the student’s services or monitoring related to the student’s mental, emotional, or physical health or well-being and the school’s ability to provide a safe and supportive learning environment for the student;
2. Concerns related to school procedures or student support forms which prohibit school district personnel from notifying a parent about his or her student’s mental, emotional, or physical health or well-being, or a change in related services or monitoring, or which encourage, or have the effect of encouraging, a student to withhold this information from a parent;
3. Concerns related to classroom instruction by school personnel or third parties on sexual orientation or gender identity. Such instruction is prohibited in grades pre-k through 8. If provided in grades 9 through 12, such instruction must be age-appropriate or developmentally appropriate for students in accordance with state standards;
4. Concerns related to the provision of student support services training to school personnel which must adhere to student services guidelines, standards, and frameworks established by the Department of Education;
5. Concerns relating to the provision of parental notification at the beginning of the school year to notify parents of each health care service offered at their student’s school and the option to withhold consent or decline any specific service; and
6. Concerns relating to the provision of any student well-being questionnaire or health screening form to parents and obtaining parental consent prior to administering any such student well-being questionnaire or health screening form to a student in grades kindergarten through 3.

C. DISPUTE PROCEDURE.

1. Notification to Charter School Principal

- Parents/legal guardians have the right to file complaints under Rule 6A-6.0791, Florida Administrative Code.
- If a parent/legal guardian notifies the Principal of concerns that the provisions Section 1001.42(8)(c)1.-6., Florida Statute, have been violated, the Principal or his or her designee must attempt to resolve those concerns within seven (7) days after notification by the parent/legal guardian.
- The parent/legal guardian shall notify the Principal in writing via email or regular U.S. mail of the concern.
- The Principal or his or her designee shall have seven (7) days to investigate and resolve the complaint. Once the resolution is determined, the Principal or his or her designee shall contact the parent/legal guardian either through a reply email or a letter sent via U.S. Mail to the parent/legal guardian informing the parent/legal guardian of the principal's determination.
- If the concern remains unresolved, the parent/legal guardian may appeal to the School District.

2. Notification to School District:

- If a parent/guardian believes the concern is not resolved at the local level by the charter school's Principal or his or her designee within seven (7) days, then the parent/guardian may notify the School District in writing, describing the nature of the concern and the reason the charter school Principal's proposed resolution failed to address their concern.
- Within thirty (30) days after receipt of the notification, the District will notify the charter school and the parent of the decision for resolution of the complaint or provide a statement of the reasons for not resolving the concern.
- If the concern remains unresolved by the School District after thirty (30) days, the parent/legal guardian may appeal to the Florida Department of Education and request that the Commissioner of Education appoint a special magistrate to address the parent's/legal guardian's dispute or file a declaratory judgment action in court.

3. Notification to the Florida Department of Education

- In the event a parental complaint involving the disputes subject to this policy is not resolved at the local level by the charter school Principal or designee, or by the school district in accordance with the procedures required by law and this policy, a parent/guardian may submit a form to the Florida Department of Education requesting the appointment of a Special Magistrate.
- The form required to be submitted to the Florida Department of Education is found at: <https://www.flrules.org/gateway/readRefFile.asp?refId=16016&filename=Form%20No%20CSSM-1%206A-6.0791.pdf>
- Parents/legal guardians must describe the nature of the dispute, the resolution or relief sought at the school and district level, describe the resolution sought from the special magistrate and the State Board of Education, and demonstrate that before filing for the appointment of a special magistrate, resolution was sought by the parent/legal guardian

with the student's principal and subsequent to that, resolution was sought by the parent/legal guardian at the district level.

- If the request is granted, a Special Magistrate would hold a hearing and provide a recommended decision to the State Board of Education on the dispute between a parent and the school district. The State Board of Education would either approve or reject the recommended decision within thirty (30) days.
- Additional information can be found at: <https://www.fldoe.org/schools/k-12-public-schools/special-magis.stml>
- Parents can contact the Florida Department of Education staff to assist with questions and answers throughout the process.
- Inquiries may be emailed to SpecialMagistrate@fldoe.org or parents may contact the Office of Professional Practices Services.