

Appeal to the State Superintendent for Alleged Standards Violation

After exhausting local procedures, as described in the policy and administrative regulation “Public Appeals and Complaints about Alleged Violations of Standards” or 90 or more days after filing a written complaint alleging violation of standards with the district (whichever occurs first), any complainant who resides in a district or any parent of students attending school in the district may make a direct appeal to the State Superintendent of Public Instruction.

1. The appeal shall be in writing and contain:
 - a. The name and address of the person bringing the appeal and the district in which that person resides;
 - b. The name and address of the district which is alleged to have violated standards; and
 - c. A brief statement indicating how the district is alleged to have violated standards.

2. Upon receipt of the appeal, the State Superintendent will review the appeal and determine whether a violation of standards has been properly alleged, and the requirements contained in section 2. of Oregon Administrative Rule (OAR) 581-022-1940 have been satisfied. After these determinations, the State Superintendent will either, not accept the appeal and will notify the complainant and the district, or will accept the appeal and notify the complainant and the district that the appeal has been accepted.

3. Upon receipt and acceptance of the appeal, the State Superintendent will give notice of acceptance of the appeal to the district. Within 30 days of receipt of notice from the State Superintendent, the district shall submit a written report with the State Superintendent which shall include:
 - a. A statement of facts;
 - b. A statement of action, if any, taken in response to the complaint; if none was taken, the reason(s) why no action was taken;
 - c. A stipulation, if one was reached, of the settlement of the complaint; and
 - d. A list of any complaints filed with another agency by the party concerning the subject of the appeal.

4. The State Superintendent may for good cause extend the time for the filing of a report by the district.

5. Upon receipt of the district’s report, the State Superintendent will take such action as is deemed appropriate, including, but not limited to:
 - a. Authorizing an onsite investigation; and
 - b. Conducting interviews, meetings and surveys, and reviewing documents, data and district procedures.

6. The State Superintendent will issue a written decision within 60 days of receiving the district's report or may extend the time period for issuing a written decision pursuant to OAR 581-022-1940.
7. The provisions of Oregon Revised Statutes (ORS) 327.103 will apply if a deficiency is found and deemed by the State Superintendent to be not corrected.

