

# Harney Education Service District

Code: **KL**  
Adopted: 3/10/04  
Readopted: 2/13/13; 4/13/16; 5/09/18  
Orig. Code(s): KL

## Public Complaints

Members of the public, parents, staff and students are encouraged to make their concerns known to the ESD and to give the ESD an opportunity to review those concerns and respond to them. Complaints about instructional materials, staff members, programs or services, alleged violation of state standards or retaliation against a student or a student's parent who in good faith reported information that the student believes is evidence of a violation of state and federal law, rule or regulation, should approach the appropriate staff member or administrator and, if possible, resolve the problem at this level.

The complainant must follow the complaint procedure as outlined in administrative regulation KL-AR - Public Complaint Procedure.

If unresolved, the person(s) may file a formal complaint with the superintendent.

Complaints about Board policy or administrative regulations should be referred directly to the superintendent.

Complaints against a staff member or program administrator or supervisor may start at Step 3 and be filed with the superintendent.

If the person(s) having a complaint fails to resolve the concern with the superintendent, the person may request that the matter be referred to the Board. If the Board deems it advisable, it may provide for a hearing of the complaint at an official meeting of the Board.

Complaints against the superintendent may start at Step 4 and be referred to the Board chair on behalf of the Board.

Complaints against the Board as a whole or against an individual Board member may start at Step 4 and be made to the Board chair on behalf of the Board.

Complaints against the Board chair may start at Step 4 be made directly to the Board vice chair on behalf of the Board.

When a complaint is made directly to the Board or to an individual Board member, it will generally be referred to the superintendent for evaluation and possible investigation. A Board member shall not attempt to consider such complaints in any official capacity acting as an individual Board member.

If the person(s) having a complaint fails to resolve the concern with the principal or the superintendent, the person may request that the matter be referred to the Board. If the Board deems it advisable, it may provide for a hearing of the complaint at an official meeting of the Board.

The superintendent shall develop administrative regulations designed to encourage the timely resolution of public complaints while providing a system of review which will allow both the complainant and other affected parties an opportunity to be heard.

If a complaint, who is a parent of guardian of a student or student who attends a program operated by the ESD, is a student or a person who resides within the ESD boundaries, alleges a violation of Oregon Administrative Rule, Chapter 581, Division 22 (Standards), Oregon Revised Statutes (ORS) and the complaint is not resolved through the complaint process, the complainant may have appeal rights with the Deputy Superintendent of Public Instruction as outlined in OAR 581-022-0040.

If the complaint alleges discrimination pursuant to ORS 659.850 (Discrimination) and the complaint is not resolved at the local level through administrative regulation AC-AR - Discrimination Complaint Procedure, the complaint may meet the criteria to file an appeal with the Superintendent of Public Instruction as outlined in OAR 581-021-0049.

END OF POLICY

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**Legal Reference(s):**

[ORS 192.610 to -192.690](#)

[OAR 581-022-2370](#)

[ORS 334.125\(7\)](#)

[ORS 659.852](#)

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).

Connick v. Myers, 461 U.S. 138 (1983).

**Cross Reference(s):**

IIA - Instructional Resources/Instructional Materials