

Harney Education Service District

Code: **KL-AR**
Revised/Reviewed: 3/10/04; 2/13/13; 4/13/16;
5/09/18
Orig. Code(s): KL-AR

Public Complaint Procedure

Step One

Any member of the public who wishes to express a concern should discuss the matter with the ESD employee involved. The ESD employee shall respond within 10 working day.

The Administrator: Step Two

If the individual is unable to resolve a problem or concern at with the employee, the individual may file a written, signed complaint with the supervising administrator. The supervising administrator shall evaluate the complaint and render a decision within five working days after receiving the complaint.

The Superintendent: Step Three

If Step 2 does not resolve the complaint, within 10 days of the meeting with the supervising administrator, the complainant, if he/she wishes to pursue the action, shall file a signed, written complaint with the superintendent or designee clearly stating the nature of the complaint and a suggested remedy. (A form is available, but is not required.)

The superintendent or designee shall investigate the complaint, confer with the complainant and the parties involved and prepare a report of his/her findings and conclusion and provide the report in writing or in an electronic form to the complainant within 10 working days after receiving the written complaint.

The Board: Step Four

If the complainant is dissatisfied with the superintendent's or designee's findings and conclusion, the complainant may appeal the decision to the Board within five days of receiving the superintendent's decision. The Board shall hold a hearing to review the findings and conclusion of the superintendent, to hear the complaint and to hear and evaluate any other evidence as it deems appropriate. All parties involved, including the administration, may be asked to attend such hearing for the purposes of making further explanations and clarifying the issues.

If the Board chooses not to hear the complaint, the superintendent's or designee's decision is final.

The Board may hold the hearing in executive session if the subject matter qualifies under Oregon law.

The complainant shall be informed in writing or electronic form of the Board's decision within 20 working days from the hearing of the appeal by the Board. The Board's decision will address each allegation in the complaint and contain the reasons for the ESD's decision. The Board's decision will be final.¹

The complaint procedure set out above will not be longer than 90 days from the filing date of the original complaint with the ESD employee involved.

Complaints against an administrator or supervisor may be filed with the superintendent. The superintendent will attempt to resolve the complaint. If the complaint remains unresolved within 10 working days of receipt by the superintendent, the complainant may request to place the complaint on the Board agenda at the next regularly scheduled or special Board meeting.

Complaints against the superintendent should be referred to the Board chair on behalf of the Board. The Board chair shall present the complaint to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days in open session what action, if any, is warranted.

Complaints against the Board as a whole or against an individual Board member should be made to the Board chair on behalf of the Board. The Board chair shall present the complaint to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation the Board shall decide, within 30 days in open session what action, if any, is warranted.

Complaints against the Board chair may be made directly to the Board vice chair on behalf of the Board. The Board vice chair shall present the complaint to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within [20] days in open session what action, if any, is warranted.

The final decision for a complaint processed under this administrative regulation that alleges a violation of OAR Chapter 581, Division 22 (Standards), ORS 339.285 to 339.383 or OAR 581-021-0550 to 581-021-0570 (Restraint and Seclusion) or ORS 659.852 (Retaliation), will be issued in writing or electronic form. The final decision will address each allegation in the complaint and contain reasons for the ESD's decision. If the complainant is a student, parent or guardian of a student attending a program in the ESD or a person that resides in the ESD's boundaries, and this complaint is not resolved through the complaint process, the complainant may have appeal rights with the Deputy Superintendent of Public Instruction as outlined in Oregon Administrative Rule (OAR) 581-021-0040.

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

Harney County Education Service District

¹Timelines may be extended upon written agreement between both parties.

COMPLAINT FORM

To: ESD Office _____ (Name of school)

Person Making Complaint _____

Telephone Number _____ Date _____

Nature of Complaint _____

Who should we talk to and what evidence should we consider? _____

Suggested solution/resolution/outcome: _____

Signature of Complainant: _____ Date: _____

Office Use: Disposition of Complaint: _____
Signature: _____ Date: _____

cc: Superintendent