

Hermiston School District 8R

Code: **KL**
Adopted: 9/14/15
Revised/Readopted: 7/24/17; 12/11/17
Orig. Code(s): KL

Public Complaints

No staff member, student, parent or guardian of a student attending school in the district or person that resides in the district will be denied the right to petition the district with a complaint. A complainant will be referred through the proper administrative process for resolution of a complaint before investigation or action by the Board. An exception will be a complaint against the superintendent or one that involves a Board actions or Board operations.

The complaint procedure is available at the district's administrative office and on the home page of the district's website.

The Board advises that there is a process for resolving complaints, including but not limited to a complaint in one or more of the following areas:

1. Instruction;
2. Discipline;
3. Learning materials;
4. Compliance with State Standards;
5. Restraint and/or seclusion;
6. With a staff member; or
7. Retaliation against a student or student's parent who in good faith reported information that the student believes is evidence of a violation of state or federal law, rule or regulation.

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

The district may offer mediation or an other alternative dispute resolution process as an option if all parties to the complaint agree in writing to participate in such mediation or resolution.

Any complaint about school personnel other than the superintendent will be investigated by the administration before consideration and action by the Board. The Board will not hear complaints against employees in a session open to the public unless an employee requests an open session.

Complaints against the principal may start at step 3 or other administrator shall be filed with the superintendent. Complaints against the superintendent may start at step 4 and shall be referred to the Board chair on behalf of the Board. The Board may refer the investigation to a third party.

Complaints against the Board as a whole or against an individual Board member may start at step 4 and shall be made to the Board chair on behalf of the Board and may be referred to district counsel. Complaints against the Board chair may start at step 4 and shall be made directly to the Board vice chair on behalf of the Board.

A complainant must file a complaint within the later of either time limit set below, in accordance with state law:

1. Within two years after the alleged violation or unlawful incident occurred or the complainant discovered the alleged violation or unlawful incident. For incidents that are continuing in nature, the time limitation must run from the date of the most recent incident; or
2. Within one year after the affected student has graduated from, moved away from or otherwise left the district.

The superintendent will develop and administer the complaint process, as appropriate.

If any complaint alleges a violation of Oregon Administrative rule (OAR) Chapter 581, Division 22 (Standards), Oregon Revised Statute (ORS) 339.285 to 339.383 or OAR 581-021-0550 to 581-021-0570 (Restraint and Seclusion) or ORS 659.852 (Retaliation), and the complaint is not resolved through the complaint process, the complainant, who is a student, a parent or guardian of a student attending a school in the district or a person who resides in the district, may appeal rights with the Deputy Superintendent of Public Instruction as outlined in Oregon Administrative Rules (OAR) 581-002-0040.

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

Legal Reference(s):

[ORS 192.610 to -192.690](#)
[ORS 338.115\(2\)](#)
[ORS 659.852](#)

[OAR 581-022-2370](#)

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