Multnomah Education Service District

Code: KL
Adopted: 9/20/94
Readopted: 9/20/95; 5/18/10; 1/20/15;
1/19/16; 2/16/16; 11/19/19

Public Complaints

A student, parent or guardian of a student attending a school operated by the ESD or person who resides in the ESD may petition the ESD with a complaint. A complainant shall 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 Board actions or Board operations.

The complaint procedure is available at the ESD’s administrative office.

Complaints about instructional materials, staff members, programs or services should follow the administrative complaint procedure outlined in KL-AR(1).

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

1. Instruction;
2. Discipline;
3. Learning materials or programs or services;
4. Compliance with State Standards;
5. Restraint and/or seclusion;
6. With a staff member; or
7. Retaliation against a student, parent or guardian or a student, 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(1) - Public Complaint Procedure.

Any complaint about MESD personnel shall be investigated by the administration before consideration and action by the Board. The Board shall not hear complaints against employees in open session unless an employee requests an open session. A Board member shall not attempt to consider such complaints in any official capacity acting as an individual Board member.

Complaints against a program administrator or supervisor should be filed with the superintendent. (See KL-AR(1)-Public Complaint Procedure)
Complaints against the superintendent should be referred to the Board chair on behalf of the Board. (See KL-AR(1)-Public Complaint Procedure)

Complaints against the Board as a whole or against an individual Board member should be referred to the Board chair on behalf of the Board. (See KL-AR(1)-Public Complaint Procedure)

Complaints against the Board chair should be referred directly to the Board vice-chair. (See KL-AR(1)-Public Complaint Procedure)

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

If a complainant, who is a parent or guardian of a student attending a school operated by the ESD, is a student or is a person who resides in the ESD, 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 may appeal the MESD’s final decision to the Deputy Superintendent of Public Instruction under (OAR) 581-002-0001–581-002-0023

END OF POLICY

Legal Reference(s):

ORS 192.660
ORS 334.125(7) ORS 659.852
ORS 581-002-0001 – 002-0005
ORS 659.852
OAR 581-022-2370

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

Cross Reference(s):

AA - MESD Purpose and Goals
BBA - Board Powers and Duties
IA/IAA - Instructional Goals
GBM - Staff Complaints
II/IIA - Instructional Resources/Instructional Materials
IIC - Community Instructional Resources
IM - Evaluation of Instructional Programs
JGAB - MESD Use of Restraint and/or Seclusion
JFH - Student Complaints
KLD - Public Complaints About MESD Personnel

1 An appeal must meet the criteria found in OAR 581-002-0005(1)(a).