

Multnomah Education Service District

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

Public Complaints

No staff, student, parent or community member shall be denied the right to petition the Board for redress of a grievance, complaints shall be referred through the proper administrative process for resolution before investigation or action by the Board. Exceptions are complaints that concern the Superintendent or involve Board actions or Board operations.

Complaints about instructional materials, staff members, programs or services should follow the administrative complaint procedure outlined in KL-AR(1) and fill out the complaint form found at KL-AR(2) in needed.

The Board advises the public there is a proper process for resolving complaints including but not limited to concerns in the following areas:

1. Instruction;
2. Discipline;
3. Learning materials or programs or services; or
4. Retaliation against a student or a student's parents who in good faith reported information that the student believes is evidence of a violation of state and federal law, rule or regulation.

Community members, staff, parents and students who have a complaint are encouraged to start at the lowest level in the organization to attempt to resolve the issue.

The following order will be used unless otherwise identified (See administrative regulation KL-AR - Public Complaint Procedure for specific procedures and timelines):

1. ESD employee involved;
2. Building principal or supervising director;
3. Superintendent or designee;
4. Board.

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.

While speakers may offer objective criticism of operations and programs, the Board shall not hear personal complaints concerning MESD personnel nor against any person connected with MESD. To do so could expose the Board to a charge of being party to slander and would prejudice any necessity to act as the final review of administrative recommendations regarding the matter. The Board chair shall direct the individual to the appropriate process for Board consideration and disposition of legitimate complaints involving individuals.

Complaints against a program administrator or supervisor may be filed with the superintendent.

Complaints against the superintendent should be referred to the Board chair on behalf of the Board.

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.

Complaints against the Board chair may be made directly to the Board vice chair.

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

If a complaint alleges a violation of state standards or a violation of other statutory or administrative rule for which State Superintendent of Public Instruction has appeal responsibilities, and the complaint is not resolved at the local level, then the MESD will supply the complainant with appropriate information in order to file a direct appeal to the State Superintendent as outlined in Oregon Administrative Rule (OAR) 581-022-1940.

END OF POLICY

Legal Reference(s):

[ORS 192.610 to -192.690](#)

[OAR 581-022-1940](#)

House Bill (HB) 3371 (2015)

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

[OAR 581-022-1941](#)

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

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

MESD Policy 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