

Public Complaints

Board members recognize that complaints about schools will be voiced by employees, students, parents and community members from time-to-time. When such complaints are made to a Board member, the Board member shall refer the person making the complaint to the superintendent or designee. A Board member shall not attempt to respond, review, handle or resolve such complaints as the individual Board member has no authority to do so.

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 superintendent or one that involves 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 material;
4. Compliance with State Standards;
5. Restraint and/or seclusion;
6. With a staff member; or
7. 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.

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 administrator 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 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. 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 to district counsel. 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 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 30 days, in open session what action, if any, is warranted.

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 Rule (OAR) 581-002-0040 (See KL-AR(3) - Appeal to the Deputy Superintendent of Public Instruction).

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.

Complaint Procedures

Supervisors, principals and/or the superintendent shall have responsibility for investigations concerning complaints by staff, student complaints, public complaints and complaints about district personnel. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

The following procedures shall be used for the reporting, investigating and resolving of complaints.

Informal Resolution

Informal resolution can be described differently by the complainant but usually consists of the district administrator serving as a mediator of the dispute in order to reach an agreement about future interactions. If an informal solution is sought, the administrator will facilitate that resolution.

If this resolution is not acceptable to the complainant, the complainant will be asked to provide a written statement, which will describe the incident(s) and the resolution sought to a district administrator on the form provided in the administrative rule of this policy asking for a formal resolution.

Formal Resolution

Formal resolution would consist of an investigation to see if the allegations are found to have merit. All complaints will be promptly investigated in accordance with the following procedures by a district administrator or the superintendent

- Step 1 All complaints shall be presented to the building administrator. Complaints against the building administrator shall be filed with the superintendent. Complaints against the superintendent shall be filed with the Board chair. All such information will be reduced to writing and will include the specific nature of the offense, corresponding dates and potential witnesses. The superintendent or designee will be informed of all complaints upon their receipt.

- Step 2 The district administrator receiving the complaint shall promptly investigate. Parents will be notified of the nature of any complaint involving their student. The district administrator, or designated official, will arrange such meetings as may be necessary with all concerned parties within five working days after receipt of a written complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the complaint will be reduced to writing. The district official(s) conducting the investigation shall notify the complainant (and parents as appropriate) within 10 days in writing when the investigation is concluded and their findings determined.

A copy of the notification letter or the date and details of notification to the complainant, together with any other documentation related to the incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent or designee.

- Step 3 If the complainant is not satisfied with the decision at Step 2, he/she may submit a written appeal to the superintendent or designee. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the complainant's appeal within 10 working days.
- Step 4 If the complainant is not satisfied with the decision at Step 3, a written appeal may be filed with the Board using the Review of Administrative Decision form provided in the administrative regulation of this policy. Such appeal must be filed within 10 working days after receipt of the Step 3 decision from the superintendent. The Board shall at its next regular session conduct a hearing at which time the complainant shall be given an opportunity to present the written complaint as it was received by the superintendent. The Board shall provide a final determination in writing to the complainant within 10 working days following the completion of the hearing. The decision of the Board is final.

The complaint procedure set out above will not be longer than 90 days from the filing date of the original complaint with the administrator. The timelines may be extended upon written agreement between both parties.

Documentation related to the incident may be maintained as a part of the student's education records or employee's personnel file as determined.

Violation of Standards

Complaints alleging violation of standards for public elementary and secondary schools shall be made in writing and presented to the superintendent.

In the event that a complaint alleges a violation of state standards and is not resolved at the Board level, then the district will supply the complainant with appropriate information in order to file a direct appeal to the State Superintendent of Public Instruction as outlined in Oregon Administrative Rules (OAR) 581-022-1940.

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 district's decision. If the complainant is a student, parent or guardian of a student attending school in the district or a person that resides in the district, 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) 581-002-0040.

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.

END OF POLICY

Legal Reference(s):

[ORS 192.610 to -192.690](#)
[ORS 332.107](#)

[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