



Public Complaints

Complaints are handled and resolved as close to their origin as possible. Verbal complaints will be reduced to written form via complainant or through the assistance of administration with the approval of complainant.

Although no community member will be denied the right to petition the Board for redress of a grievance, complaints will be referred through the proper administrative channels for resolution before investigation or action by the Board. Exceptions are complaints that concern Board actions or Board operations.

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

The Board advises the public that there are proper channels for complaints including but not limited to the following:

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

A Board member shall not attempt to consider such complaints in any official capacity acting as an individual Board member.

Any complaint about ESD personnel will be investigated by the superintendent, consistent with applicable provisions of the ESD's collective bargaining agreement, 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 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. The Board may refer the investigation to a third party.

Complaints against the Board as a whole or against an individual Board member should be made to the Board chair and referred to ESD counsel. Complaints against the Board chair may be made directly to the Board vice chair.

If any complaint, 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 have appeal rights with the Deputy Superintendent of Public Instruction as outlined in OAR 581-002-0040 (See KL-AR(2) - 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.

END OF POLICY

Legal Reference(s):

[ORS 192.610 to -192.690](#)

[OAR 581-022-2370](#)

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

[ORS 659.852](#)

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

Cross Reference(s):

IIA - Instructional Resources/Instructional Materials