

Siuslaw School District 97J

Code: KL
Adopted: 12/16/98
Revised/Readopted: 5/14/14; 1/13/16; 3/14/18;
10/09/19

Public Complaints

A parent or guardian of a student attending a school in the district, or a person who resides in the district, a staff member, or a student may petition the district with a complaint. Complaints may not be brought by a patron of the district on behalf of an unknown or anonymous person, or student with which they have no legal guardianship or relationship. 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 Board actions or Board operations. Complaints on issues previously decided by the board will be considered final.

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 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;
4. Compliance with State Standards;
5. Restraint and/or seclusion;
6. With a staff member; or
7. Retaliation against 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 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 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)

When a board member is contacted about an alleged issue that might be grounds for a formal complaint the board member will:

1. Inform the person making contact with an alleged issue as to the proper procedures regarding public complaints as stated in district policy.
2. Inform the person making the contact with an alleged issue that this contact begins the one year time frame to file a complaint as stated in district policy.
3. Inform the Board Chair or designee and the supervising administrator that a contact regarding an alleged issue that might be grounds for a formal complaint has been made to maintain compliance with the policy and timelines associated with the district's complaint procedure.

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

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

1. Within one year 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 administer the complaint process, as appropriate.

If any complaint alleges a violation of Oregon Administrative Rule (OAR) Chapter 581, Division 22 (Division 22 Standards), Oregon Revised Statute (ORS) 339.285 - 339.303 or OAR 581-021-0550 - 581-021-0570 (Restraint and Seclusion), or ORS 659.852 (Retaliation), and the complaint is not resolved through the complaint process, the complainant, if a student, a parent or guardian of a student attending a school in the district or a person who resides in the district, may appeal¹ the district's final decision to the Deputy Superintendent of Public Instruction under OARs 581-002-0001 - 581-002-0023 (See KL-AR(2) - Appeal to the Deputy Superintendent of Public Instruction).

END OF POLICY

Legal Reference(s):

[ORS 192.660](#)
[ORS 332.107](#)

[ORS 659.852](#)
[OAR 581-002-0001 - 002-0005](#)

[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

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

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Public Complaint Procedure

A parent or guardian of a student attending a school in the district, or a person who resides in the district, a staff member, or a student who wishes to express a concern should discuss the matter with the school employee involved.

¹The Administrator Step One

If the individual is unable to resolve a problem or concern with the employee, the individual may file a written, signed complaint with the administrator within five working days of the employee's response. The administrator shall evaluate the complaint and render a decision within five working days after receiving the complaint. A form is available, but is not required. Any formal written complaint not submitted on the available form must address all procedural elements of the district complaint form.

When a complaint is filed at Step One the administrator that supervises the employee will notify the employee of the complaint and request a written response to the complaint. Based upon the written complaint and response, the administrator will render their decision. As electronic communication is neither secure or confidential, written responses to address complaints should be delivered by hard copy to the administrator investigating the complaint. The decision at Step One will be delivered to both parties in hard copy by postal service.

The Superintendent: Step Two

If Step One does not resolve the complaint, within 10 working days of the written response from the administrator, the complainant may file a written, signed complaint with the superintendent or designee clearly stating the nature of the complaint and a suggested remedy.

The superintendent or designee shall investigate the complaint, confer with the complainant and the parties involved, prepare a report of their findings and conclusion, and provide the report² in writing to the complainant within 10 working days after receiving the written complaint.

If a complaint is unresolved at Step One and is advanced to Step Two, the superintendent will notify the employee of the complaint and request a written response. Based upon the written complaint and response, the superintendent will render their decision. As electronic communication is neither secure or confidential, written responses to address complaints should be delivered by hard copy to the superintendent or designee. The decision at Step Two will be delivered to both parties in hard copy by postal service.

¹ For district information. The district's timeline established by each step of the district's complaint procedure for alleging a violation found in OAR 581-002-0003 must be within 30 days of the submission of the complaint at any step, unless the district and complainant have agreed in writing to a longer time period for that step. However, the district's complaint procedure should not exceed a total of 90 days from the initial filing of the complaint, regardless of the number of steps involved, unless the district and the complainant have agreed in writing to a longer time period. (OAR 581-002-0005)

² If the Board chooses to accept the superintendent's decision as the district's final decision on the complaint, the superintendent's written decision must meet the requirements of OAR 581-022-2370(4)(b).

The Board: Step Three

If the complainant is dissatisfied with the superintendent's or designee's findings and conclusion, the complainant may appeal the decision to the Board within five working days of receiving the superintendent's decision. The Board will review the findings and conclusion of the superintendent in a public meeting to determine what action is appropriate. The Board may use executive session if the subject matter qualifies under Oregon law. Appropriate action may include, but is not limited to, holding a hearing, requesting additional information, and adopting the superintendent's decision as the district's final decision. All parties involved, including the school administration, may be asked to attend such hearing for the purposes of making further explanations and clarifying the issues.

If a complaint is unresolved at Step Two and is advanced to Step Three, the school board chair or designee will notify the employee of the complaint and request a written response. If a complaint against the superintendent is initiated at Step Three, the Board Chair or Vice Chair will request a written response from the superintendent. As electronic communication is neither secure or confidential, written responses to address complaints should be delivered by hard copy to the Board Chair or Vice Chair. Complaints and responses may be delivered by hard copy to the Board members prior to the meeting to address the matter, otherwise the complaint and response will be made available for review in the district office. Based upon the written complaint and response, the school board will determine if the board is to dismiss the complaint at that time or address it in executive session in a later scheduled meeting. The decision at Step Three will be delivered to both parties in hard copy by postal service.

If the Board chooses not to hear the complaint, the superintendent's decision in Step Two is final³.

The Board may hold the hearing in executive session if the subject matter qualifies under Oregon law.

If the Board chooses to hear the complaint during an executive session, the following format may guide the proceedings:

1. Address to the Board by the complainant
2. Clarifying questions by the Board of the complainant
3. Address to the Board by the respondent
4. Clarifying questions by the Board of the respondent
5. Delivery of recommendation on the matter by the superintendent, if requested by the board
6. Deliberation on the facts of the complaint and response by the board in executive session
7. If required, a vote on the matter in open session to either dismiss the complaint, uphold the complaint, or refer the matter for further investigation.

The complainant shall be informed in writing of the Board's decision within 20 days from the hearing of the appeal by the Board. The Board's decision will address each allegation in the complaint and contain reasons for the district's decision. The Board's decision will be final.

The timelines may be extended upon written agreement between the district and the complainant.

The district's final decision for a complaint processed under this administrative regulation that alleges a violation of Oregon Administrative rule (OAR) Chapter 581, Division 22 (Division 22 Standards), ORS 339.285 - 339.303 or OAR 581-021-0550 - 581-021-0570 (Restraint and Seclusion), or ORS 659.852 (Retaliation), will be issued in writing. The final decision will address each allegation in the complaint and contain reasons for the district's decision. If the complainant, who 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

³ If the Board choose to accept the superintendent's decision as the district's final decision on the complaint, the superintendent's written decision must meet the requirements of OAR 581-022-2370(4)(b).

resolved through the complaint process, the complainant may appeal⁴ the district's final decision to the Deputy Superintendent of Public Instruction under Oregon OARs 581-002-0001 – 581-002-0023.

Complaints against the principal should 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 a Board meeting. The Board may use executive session if the subject matter qualifies under Oregon law. The Board shall decide, within 20 days, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within 10 days. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.

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 in a Board meeting. 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. The Board shall decide, within 20 days, in open session what action, if any, is warranted. The Board may use executive session if the subject matter qualifies under Oregon law. A final written decision regarding the complaint shall be issued by the Board within 10 days. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.

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. The Board chair shall present the complaint to the Board in a Board meeting. 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. The Board shall decide, within 20 days, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within 10 days. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.

Complaints against the Board chair may be referred directly to the Board vice chair on behalf of the Board. The Board vice chair shall present the complaint to the Board in a Board meeting. 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. The Board shall decide, within 20 days, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within 10 days. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.

⁴ An appeal must meet the criteria found in OAR 581-002-0005(1)(a).

COMPLAINT FORM

For assistance in filling out this form, please contact the District Office at 541-997-2651
The written complaint form or notice must be filed within 1 year of the original incident

Name: _____ Phone: _____

Please print name

Address: _____

Do you register this complaint as a: _____ Nature of complaint: _____

- | | |
|--|--|
| <input type="checkbox"/> parent or guardian | <input type="checkbox"/> Against an employee |
| <input type="checkbox"/> student | <input type="checkbox"/> For violation of a policy |
| <input type="checkbox"/> employee | <input type="checkbox"/> For violation of State standards |
| <input type="checkbox"/> community member | <input type="checkbox"/> For racial or other forms of harassment |
| <input type="checkbox"/> spokesperson for a group or organization* | |
| <input type="checkbox"/> Other _____ | |

*If as a spokesperson for a group or an organization, please identify the group or organization:

What is the nature of your complaint? Please be specific, i.e., is the complaint against a teacher procedure or method? Against a disciplinary action taken? Against the mishandling of a particular situation? Who is involved? What standard has been violated? Who should we talk to? What evidence should we consider? (Feel free to attach additional pages to any and all questions.) _____

Have you discussed this matter with the person(s) involved? _____ When? _____

Have you discussed this matter with the building principal? _____ When? _____

Do you have a personal knowledge of the situation you have described above? _____

If not, what is the source of your information? _____

Suggested solution, resolution or outcome? _____

Date: _____ Complainant Signature: _____

Appeal to the Deputy Superintendent of Public Instruction

For complaints that allege violation of Oregon Division 22 Standards, restraint and seclusion or retaliation as defined in Oregon Revised State (ORS) 659.852, the complainant may have appeal rights for a complaint with the Deputy Superintendent of Public Instruction, if the complainant has exhausted the local complaint procedures and one of the following occurred:

1. The district failed to render a written decision within 30 days of the submission of the complaint at each step identified in the district's complaint process; or
2. The district failed to resolve the complaint within 90 days of the initial filing of the written complaint with the district, unless the district and the complainant have agreed in writing to a longer time period.

The appeal must be received by the Oregon Department of Education (ODE) no later than one year after the date of the final decision of the district or if the district fails to issue a final decision, no later than two years after the date the complainant first filed the underlying complaint with the district.

1. The complaint upon which the appeal is based, must have been filed with the district by the later of the either stated below:
 - a. Filed the complaint within two years after the alleged violation or unlawful incident occurred or after the complainant discovered the alleged violation or unlawful incident. If the alleged violation or unlawful incident is of a continuing nature, the right to file an appeal exists so long as the complaint was filed within two years of the most recent incident; or
 - b. One year after the affected student has graduated from, moved away from or otherwise left the district.
2. The appeal shall be in writing submitted by mail, in person or electronically, and contain:
 - a. The name and address of the person bringing the appeal;
 - b. The name and address of the district which is alleged to have violated the statute or administrative rule; and
 - c. A statement of the facts on which the appeal is based.
3. Upon receipt of the appeal, the Deputy Superintendent will determine whether the appeal alleges a violation of a statute or administrative rule for which the Deputy Superintendent has jurisdiction and whether the requirements contained in section 2. of OAR 581-002-0040 have been satisfied.

- a. After these determinations, the Deputy Superintendent will either, not accept the appeal and will notify the complainant and the district, or will accept the appeal and notify the complainant and the district that the appeal has been accepted.
4. If the Deputy Superintendent has accepted an appeal and made notification to the complainant and the district involved as described in OAR 581-002-0040, the district shall submit a written report within 30 days of receipt of the notice which shall include:
 - a. A statement of facts;
 - b. A statement of district action, if any, taken in response to the complaint; if none was taken, the reason(s) why no action was taken;
 - c. A stipulation, if one was reached, of the settlement of the complaint; and
 - d. A list of any complaints filed with another agency by the party concerning the subject of the appeal.
5. The Deputy Superintendent may for good cause extend the time for the filing of a report by the district.
6. Upon receipt of the district's report, the Deputy Superintendent will conduct an investigation that will include a review of the written materials submitted by the complainant and district and may also include, but not be limited to:
 - a. Onsite investigations;
 - b. Interviews;
 - c. Surveys; and
 - d. Reviewing documents.
7. The Deputy Superintendent will issue a written final order that addresses each allegation in the complaint that was accepted for appeal and contains the reasons for the Deputy Superintendent's decision on whether or not the district is deficient. The final order will be issued within 90 days of the date the Deputy Superintendent receives the district's report,¹ or the Deputy Superintendent may extend the time period for issuing a final order pursuant to OAR 581-002-0040(7)(b),(c).
8. If a violation is found, the Deputy Superintendent's final order will include any necessary corrective action to be taken by the district as well as any documentation to be supplied by the district to ensure that the corrective action has occurred.
9. Corrective action ordered by the Deputy Superintendent must be completed within the timelines established in the final order.

¹If the 90-day period for issuing the final order would conclude during the time when the schools of the district are closed for the summer, the final order will be issued within 90 days of the date the Deputy Superintendent received the district's report exclusive of the time the schools are closed for the summer. The Deputy Superintendent of Public Instruction may extend the time period with agreement from the complainant. The Deputy Superintendent shall prepare a timeline and plan for investigation and provide copies to the complainant and the district within two weeks of receiving the district's report.