Public Complaints

A parent or guardian of a student attending school in the district, a person that resides in the district, a staff member, or a student may 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 the 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 available for resolving complaints including, but not limited to, a 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 charges 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.

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 referred to the Board chair on behalf of the Board.

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

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 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 to 339.303 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 the district’s final decision to the Oregon Department of Education 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).

Cross Reference(s):
IIA - Instructional Resources/Instructional Materials
KLD - Public Complaints about District Personnel
Harrisburg School District 7

Code: KL-AR(1)
Revised/Reviewed: 12/14/15; 5/14/18; 2/10/20

Public Complaint Procedure

A parent or guardian of a student attending a school in the district, 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.

The 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.)

The Superintendent: Step Two

If Step One does not resolve the complaint, within 10 working days of the meeting with 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. (A form is available, but is not required.)

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 report in writing or in an electronic form to the complainant within 10 working days after receiving the written complaint.

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 or designee’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 the Board chooses not to hear the complaint, the superintendent’s decision in Step Two is final¹.

¹ 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).
The complainant shall be informed in writing or in electronic form 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 OAR Chapter 581, Division 22 (Division 22 Standards), ORS 339.285 to 339.303 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, a 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 appeal the district’s final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rule (OAR)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 the next regularly scheduled or special 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. 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 should be referred directly to the Board vice chair of 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. 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.
Harrisburg School District 7

COMPLAINT FORM

To:  □ Employee* □ Administrator/Supervisor* □ Superintendent □ Board chair □ Board vice chair
* Form available but is not required.

Person Making Complaint ________________________________________________________________

Phone Number ___________________________ Email ________________________________

Nature of Complaint

_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________

Who should we talk to and what evidence should we consider? ____________________________

_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________

Suggested solution/resolution/outcome: ______________________________________________

_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________

Signature of Complainant: ___________________________ Date: ___________________________

_________________________________________________________________________________

Office Use

Disposition of Complaint: ____________________________________________________________

_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________

Signature: ___________________________ Date: __________________________

cc: District Office

Public Complaint Procedure – KL-AR(1)
Harrisburg School District 7

Code: KL-AR(2)
Revised/Reviewed: 5/14/18; 2/10/20

Appeal to the Deputy Superintendent of Public Instruction

An appeal process has been established by the Oregon Department of Education (ODE) by Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023\(^1\) for complaints that allege violation of 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).

The complainant may appeal the district’s final decision for a complaint to the Deputy Superintendent of Public Instruction if:

1. The complainant has exhausted the district’s complaint procedures except as otherwise allowed by statute;

2. The district failed to render a written decision 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; or

3. The district failed to resolve the complaint within 90 days of the initial filing of the complaint, regardless of the number of steps in the district complaint process, unless the district and the complainant have agreed in writing to a longer time period.

The appeal may include a complaint alleging a violation of ORS 659.852 if the complainant alleges that retaliation occurred in response to a complaint for which the complainant received the district’s final decision for a complaint.

The appeal must be received by ODE no later than:

1. One year after the date of the final decision by the district; or

2. If the district fails to resolve the complaint, no later than two years after the date on which the complainant first filed the complaint with the district.

The complaint upon which the appeal is based must have been initially filed with the district by the later of the following two dates:

1. The date occurring two years after the date on which the alleged violation or unlawful incident occurred or on which the complainant discovered the alleged violation or unlawful incident\(^2\); or

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\(^1\) The following is not a representation of the complete rules. See complete rules available on the Oregon Administrative Rules.

\(^2\) If the alleged violation or unlawful incident is of a continuing nature, the date on which the alleged violation or unlawful incident occurred is the most recent date on which the alleged violation or unlawful incident occurred.
2. The date occurring one year after the date on which the affected student graduated from, moved away from or otherwise left the district.

The appeal shall:

1. Be in writing;
2. Be submitted in person, by mail, or electronically.

The appeal must contain:

1. The name of the person filing the appeal;
2. The phone number, address, or email address, if available, of the person filing the appeal;
3. The name of the student if the person filing the appeal is filing on behalf of the student;
4. A statement of the facts on which the appeal is based; and
5. Other information requested by ODE.

Upon receipt of an appeal, ODE will determine whether the appeal satisfies the requirements of OAR 581-002-0003 and OAR 581-002-0005.

After these determinations, ODE will give written notice to the complainant and the district whether the appeal has been accepted.

If ODE has accepted an appeal and gave notice to the complainant and the district involved, the district shall submit a written response and all correspondence, documents, and other information ODE requested within 30 days of receipt of the notice.

The district’s written response shall include:

1. A statement of facts;
2. A description of district action taken in response to the complaint; or if none was taken, an explanation of the reason(s) why no action was taken;
3. Any stipulation reached concerning settlement of the complaint; and
4. A list of any complaints filed with another agency by the complainant concerning the subject of the appeal to the extent that the district is aware of such complaints.

The Director of ODE may for good cause extend the time by which a district must make a submission described above.

Upon receipt of the district’s written response, ODE will conduct an investigation to determine whether the district violated a rule or law described in OAR 581-002-0003.

ODE shall issue a final order pursuant to OAR 581-002-0017.