

Ashland School District 5

Code: KL-AR(1)
Revised/Reviewed: 6/12/17, **date**

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.

The Administrator: Step One

If the concerns cannot be resolved informally with the individuals directly involved, the complainant may file a written, signed complaint clearly stating the nature of the complaint and a suggested remedy with the building or District-level administrator. Complainants are strongly encouraged to use the complaint form attached to this AR, and must provide the information listed on that form. A written complaint commences the formal complaint process. The administrator shall evaluate the complaint and shall attempt to resolve the complaint. The administrator can also refer the parties to an alternative resolution process and other supports, if appropriate. If the complaint cannot be resolved, the administrator shall investigate the complaint and provide a written response within no more than 20 working days after receiving the complaint. The written response shall provide information about how to appeal to Step Two.

If the complainant is not satisfied with the Step One result and wishes to pursue the complaint, the complainant shall file a signed, written appeal with the superintendent within 10 working days after receipt of the written response of the administrator. The complainant should submit the original written complaint, the written response, and any additional information the complainant believes is relevant. Complainants are strongly encouraged to use the appeal form attached to this AR, and must provide the information listed on that form.

The Superintendent: Step Two

If a complaint is appealed to Step Two, the superintendent or designee shall review the information from Step One. The superintendent or designee shall evaluate the appeal and may confer with the complainant and the parties involved in order to attempt to resolve the complaint. The superintendent or designee can also refer the parties to an alternative resolution process and other supports, if appropriate. If the complaint cannot be resolved, the superintendent or designee may, but is not required to, conduct additional investigation. The superintendent or designee will prepare a written determination that shall address each of the allegations in the complaint and include the superintendent or designee's decisions and reasons for the decisions. In general, a written report will determine, based on a preponderance of the evidence standard, whether there was a violation of district policy related to each specific allegation. The report shall be provided to the complainant within 30 working days after receiving the written appeal.

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 10 working days of receiving the superintendent's decision. The Board delegates to the Chair and Vice Chair the authority to determine whether to accept the appeal. It is not the role of the Board to substitute its judgement for the judgement of the superintendent and the superintendent's staff regarding operational matters that fall within the responsibility of the superintendent. In determining whether to accept an appeal, the Board will generally consider (1) whether the underlying issue is

primarily within the responsibility of the superintendent, and (2) whether the complainant received the process required under KL-AR. The Chair and Vice Chair may also apply additional standards in determining whether to accept the appeal, and may seek legal advice. If the Chair and Vice Chair decide to accept the appeal, the Chair and Vice Chair will also determine the process for considering the appeal. Options include may include, but are not limited to, holding a hearing, requesting additional information, hiring an independent investigator, or adopting the superintendent's decision as the district's final decision. The Chair will ensure that the full Board is notified of the appeal and the decision of the Chair and Vice Chair as to whether to accept the appeal. If the Chair and Vice Chair decide not to accept the appeal, the superintendent's decision in Step Two is final. The complainant will be notified in writing of the decision whether or not to accept the appeal.

If the Chair and Vice Chair determine that the appeal should be accepted, the Board will consider the appeal according to the process determined by the Chair and Vice Chair. All parties involved, including the school administration, may be asked to attend a hearing for the purposes of making further explanations and clarifying the issues. The Board may seek legal advice and meet in executive session if the subject matter qualifies under Oregon law. The Board will vote on the outcome of the appeal. The complainant will be notified of the outcome of the appeal within 30 days from the date of the appeal to 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 or electronic form. 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 resolved through the complaint process, the complainant may appeal¹ the district's final decision to the Deputy Superintendent of Public Instruction under Oregon OARs 581-002-0001 – 581-002-0023.

Complaints against the superintendent shall be filed with the Board chair. The Board chair shall present the complaint to the Board and inform the superintendent of the complaint. The Board chair will consult with the vice-chair and legal counsel regarding complaints against the superintendent and make a decision regarding the process for responding to the complaint, including whether to attempt informal resolution and whether to conduct a third-party investigation. The Board chair will inform the full Board of the process, including the status of any investigation. Within 90 calendar days of receipt of the complaint, the board will decide in open session what action, if any, is warranted, and the Board's decision will be communicated to the complainant in writing. The Board's decision will address each allegation in the complaint and contain reasons for the Board's decision. The Board may review the matter in executive session if permitted under the Oregon Public Meetings Law.

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. The Board chair will consult with the vice-chair and legal counsel regarding the complaint and make a recommendation regarding the process for responding to the complaint, including whether to attempt informal resolution and whether to conduct a third-party investigation. The Board chair will inform the full Board of the recommended process, including the status of any investigation. When the investigation is complete, the results will be presented to the Board. Within 90 calendar days of receipt of the complaint, the Board will decide in

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

open session what action, if any, is warranted, and the decision will be communicated to the complainant in writing. The Board's decision will address each allegation in the complaint and contain reasons for the Board'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. The Board vice chair shall consult with legal counsel regarding the complaint and make a recommendation regarding the process for responding to the complaint, including whether to attempt informal resolution and whether to conduct a third-party investigation. The Board vice chair will inform the Board of the recommended process, including the status of any investigation. When the investigation is complete, the results will be presented to the Board. Within 90 calendar days of receipt of the complaint, the Board will decide in open session what action, if any, is warranted, and the decision will be communicated to the complainant in writing. The Board's decision will address each allegation in the complaint and contain reasons for the Board's decision.

Complaints involving allegations of misconduct by a specific district staff member will be processed in accordance with Human Resources procedures. Additionally, complaints regarding licensed or classified staff will be processed in accordance with applicable collective bargaining agreements. Complainants should be aware that the collective bargaining agreements and other considerations place limits on the processing of anonymous complaints. Complainants should be aware that employees are entitled to certain confidentiality rights under state and federal law, as well as applicable collective bargaining agreements. Taking into account these confidentiality protections, complainants will be notified of the outcome of complaints against employees to the extent permitted by law, district policy and practice, and applicable collective bargaining agreements.

From time-to-time Board members may receive complaints from community members, groups or staff by email or other means. Board members shall refer complainants to the Superintendent.

Charter Schools of which the District Board is a Sponsor

The district Board, through its charter agreement with charters schools sponsored by the district, will not review an appeal of a decision reached by the board of a charter school on any complaint, including but not limited to those alleging a violation of ORS 339.285 - 339.303 or OAR 581-021-0550 - 581-021-0570 (Restraint or Seclusion), ORS 659.852 (Retaliation), or applicable OAR Chapter 581, Division 22 (Division 22 Standards), for which the district Board has jurisdiction, and recognizes a decision reached by the board of charter school as the district Board's final decision.

Ashland School District

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: _____

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Office Use

Disposition of Complaint: _____

Signature: _____ Date: _____

cc: District Office