

# 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 appeal<sup>1</sup> 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 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 in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within [30] days of receipt of the request to place the complaint on the Board agenda. 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 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 [30] days of receipt of the complaint. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.

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

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 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 appeal of a complaint from a public charter school to be reviewed by the district Board will be presented by the Board chair and reviewed by the Board at a Board meeting. The Board may use executive session if the subject matter qualifies under Oregon law. The Board will review the appeal and make a decision about appropriate action, which may include, but is not limited to, holding a hearing, requesting information, and recognizing the decision reached by the public charter school board. A decision will be reached, in open session, unless allowed in executive session. A final written decision regarding the appeal shall be issued by the district Board within [30] days of receipt of the complaint. The written decision of the district Board will address each allegation in the complaint and include reasons for the district Board's decision.]

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.

### **Initiating a Complaint: Step One**

~~Any member of the public who wishes to express a complaint should discuss the matter with the school employee involved.~~

### **The Administrator: Step Two**

~~If the complainant is unable to resolve a problem or concern at step one, within five working days of the meeting with the employee, the complainant may file a written, signed complaint with the principal. The principal shall evaluate the complaint and render a decision within five working days after receiving the complaint.~~

### **The Superintendent: Step Three**

~~If Step 2 does not resolve the complaint, within 10 working days of the meeting with the principal, the complainant, if he/she wishes to pursue the action, shall file a signed, written complaint with the superintendent clearly stating the nature of the complaint and a suggested remedy. (A form is available, but is not required.)~~

~~The superintendent shall investigate the complaint, confer with the complainant and the parties involved and prepare a written report of his/her findings and his/her conclusion and provide the written report to the complainant within 10 working days after receiving the written complaint.~~

### **The Board: Step Four**

~~If the complainant is dissatisfied with the superintendent'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 may hold a hearing to review the findings and conclusion of the superintendent, to hear the complaint and to hear and evaluate any other evidence as it deems appropriate. Generally all parties involved, including the school administration, will be asked to attend such meeting for the purposes of presenting additional facts, making further explanations and clarifying the issues.~~

~~The Board may elect to hold the hearing in executive session if the subject matter qualifies under Oregon Revised Statutes.~~

~~The complainant shall be informed of the Board's decision within 20 working days from the hearing of the appeal by the Board. The Board's decision will be final.<sup>†</sup>~~

~~Complaints against the principal may be filed with the superintendent.~~

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<sup>†</sup> ~~The timelines may be extended upon written agreement between both parties.~~

~~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. 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 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 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 in open session what action, if any, is warranted.~~

~~Complaints against the Board chair may be made directly 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 in open session what action, if any, is warranted.~~

~~If a complaint alleges a violation of state standards or a violation of other statutory or administrative rule for which the State Superintendent of Public Instruction has appeal responsibilities, and the complaint is not resolved at the Board level, the district will supply the complainant with appropriate information to file a direct appeal to the State Superintendent as outlined in Oregon Administrative Rule (OAR) 581-022-1940.~~

**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:

**Office Use**

Disposition of Complaint:

Signature:

Date:

cc: District Office

TO: ☐ District Office ☐ \_\_\_\_\_ (Name of School)

Person Making Complaint \_\_\_\_\_

Telephone Number \_\_\_\_\_ Date \_\_\_\_\_

Nature of Complaint \_\_\_\_\_

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Who should we talk to and what evidence should we consider? \_\_\_\_\_

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Suggested solution/resolution/outcome: \_\_\_\_\_

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Office Use: Disposition of Complaint: \_\_\_\_\_

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

cc: District Office