

OSBA Model Sample Policy

Code: KL
Adopted:

Public Complaints */** (Version 2)

{OAR 581-022-2370 requires districts to have a complaint procedure}

[The district will develop and implement effective means of resolving complaints voiced by [employees,] [students,] parents of a student who attends school in the district or persons who reside in the district and will use recognized channels of communication.]

[The Board advises that the process for resolving a complaint as follows:

1. Teacher/Employee;
2. Principal/Supervisor;
3. Superintendent/Designee;
4. Board.]

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

{¹} [If a complaint addresses one or more of the issues identified below, a complainant should use the complaint process available in any of the following policies and administrative regulations (AR):

1. Discrimination or harassment on a basis protected by law: Board policy AC, AC-AR;
2. Bias incidents or display of symbols of hate: Board policy ACB, ACB-AR;
3. Sexual harassment (staff): Board policy GBN/JBA, GBN/JBA-AR(1), GBN/JBA-AR(2);
4. Sexual harassment (student): Board policy JBA/GBN, JBA/GBN-AR(1), JBA/GBN-AR(2);
5. Workplace harassment: GBEA, GBEA-AR;
6. Hazing, harassment, intimidation, bullying, menacing or cyberbullying (staff): Board policy GBNA, GBNA-AR;
7. [Hazing,] [H][h]arassment, intimidation, bullying, [menacing,] cyberbullying, or teen dating violence (student): Board policy JFCF, JFCF-AR;
8. Sexual conduct with a student (staff): Board policy GBNA/JHFF, GBNA/JHFF-AR;

{¹ The district should cross reference the following list to board policies and administrative regulations present in the board's policy manual and revise as necessary.}

9. Sexual conduct with a student (student): Board policy JHFF/GBNAA, JHFF/GBNAA-AR;
10. Instructional resources or instructional materials: Board policy IIA, IIA-AR;
11. Complaints regarding the Talented and Gifted Program (TAG): Board policy IGBBC, IGBBC-AR.]

[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.]

A complaint of 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, should be reported to the superintendent.

[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)]

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

[The district 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 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, established by administrative regulation KL-AR[(1)] – Public Complaint Procedure.

If a complainant, who is a parent or guardian of a student who attends school in the district, [a student,] [or] a person who resides in the district, 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) and the complaint is not resolved through the complaint process, the complainant may appeal² the district’s final decision to the Deputy Superintendent

² An appeal must meet the criteria found in OAR 581-002-0005(1)(a).

of Public Instruction under OAR 581-002-0001 – 581-002-0023 [(See KL-AR(2) - Appeal to the Deputy Superintendent of Public Instruction)].

Charter Schools of which the District Board is a Sponsor

[The district Board, [through its charter agreement with [name of public charter school sponsored by the district board]] [through a board resolution] [through this policy], will review an appeal of a decision reached by the Board of [name of public charter school] on a complaint 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). A complainant may appeal and will submit such appeal to the [superintendent] [Board chair] on behalf of the district Board within [30] days of receipt of the decision from the public charter school board. A final decision reached by the district Board may be appealed to the Oregon Department of Education under OAR 581-002-0001 - 581-002-0023.]

OR

[The district Board, [through its charter agreement with [name of public charter school sponsored by the district board]] [through a board resolution] [through this policy], will not review an appeal of a decision reached by the Board of the [name of public charter school] on a complaint 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 [name of public charter school] as the district Board’s final decision. A final decision reached by this district Board may be appealed to the Oregon Department of Education under OAR 581-002-0001 - 581-002-0023.]

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).