

# OSBA Model Sample Administrative Regulation

Code: KL-AR[(1)]  
Revised/Reviewed:

## Public Complaint Procedure

{Highly recommended administrative regulation. OAR 581-022-2370 requires districts to have a 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.

### {1} The [Administrator][Supervisor]: 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][supervisor] within [five] working days of the employee's response. The [administrator][supervisor] 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 written response from the [administrator][supervisor], 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 report <sup>[2]</sup>[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 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

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<sup>1</sup> {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)}

<sup>2</sup> [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 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 final<sup>[3]</sup>.

The complainant shall be informed in writing or in electronic form of the Board’s decision within [30<sup>{4}</sup>] days from the receipt 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 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>5</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.

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

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<sup>3</sup> [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).]

<sup>4</sup> {In a complaint process with more than one step, a written decision should be issued 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.}

<sup>5</sup> An appeal must meet the criteria found in OAR 581-002-0005(1)(a).

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. 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.

Complaints against the Board chair may be referred directly to the [district counsel] [Board vice chair] on behalf of the Board. The [district counsel] [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, 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 complaint. The written decision of the Board will address each allegation in the complaint and reasons for the district’s decision.

### **[[6]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.]

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<sup>6</sup> {If the district Board elects to hear appeals on public charter school complaints for which the district Board has jurisdiction, as decided by statements in the charter agreement, Board policy, or a board resolution, this language is recommended for this administrative regulation to delineate the process.}

[Name of 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