

South Coast ESD 7

Code: KL
Adopted: 10/14/19

Public Complaints**

Members of the public, parents, staff and students are encouraged to make their concerns known to the ESD and to give the ESD an opportunity to review those concerns and respond to them. Complaints about instructional materials, staff members, alleged violation of state standards or retaliation against a student or a student's parent who in good faith reported information that the student believes is evidence of a violation of state and federal law, rule or regulation, should approach the principal and, if possible, resolve the problems at this level.

Whenever a complaint about personnel is made directly to the Board as a whole or to a Board member as an individual, it will be referred to the superintendent for study and possible solutions.

The complainant must follow the complaint procedure as outlined in administrative regulation KL-AR - Public Complaint Procedure.

END OF POLICY

Legal Reference(s):

[ORS 192.610](#) to -192.690 [ORS 334.125\(7\)](#)
[ORS 659.852](#) [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).

Cross Reference(s):

AC - Nondiscrimination
ACB - Every Student Belongs
GBNAA/JFCFA - Cyberbullying
JFCFA/GBNAA - Cyberbullying

South Coast ESD 7

Code: KL-AR
Adopted: 1/24/19
Revised/Readopted: 6/13/23

Public Complaint Procedure

Step One

Any South Coast ESD staff or member of the public who wishes to express a concern should discuss the matter with the school employee involved.

The Administrator: Step Two

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. The administrator 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 administrator, the complainant, if they wish to pursue the action, shall file a signed, written 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 and 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 Four

If the complainant is dissatisfied with the superintendents 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 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. 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 is final.

The Board may hold the hearing in executive session if the subject matter qualifies under Oregon law.

The complainant shall be informed in writing or in electronic form of the Board's decision within 30 working days from the receipt of the appeal by the Board. The Board's decision will address each allegation in the complaint and contain the reasons for the ESD's decision. The Board's decision will be final.

The complaint procedure will not be longer than 90 days from the filing date of the original complaint with the administrator.^{1,2}

Complaints against the ESD Administration may be filed with the superintendent. The superintendent will attempt to resolve the complaint and provide a written report. If the complaint remains unresolved within 10 working days of receipt by the superintendent, the complainant will then initiate Step Four of the Complaint Procedure

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, within 30 days of receipt of the complaint, in open session what action, if any, is warranted. The written decision of the Board will address each allegation in the complaint and reasons for the ESD's decision

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, within 30 days of receipt of the complaint, 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, within 30 days of receipt of the complaint, in open session what action, if any, is warranted.

The final decision for a complaint processed under this administrative regulation that alleges a violation of OAR Chapter 581, Division 22 (Standards), ORS 339.285 to 339.383 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 ESD's decision. If the complainant is a student, parent or guardian of a student attending school in the ESD or a person that resides in the ESD, and this complaint is not resolved through the complaint process, the complainant may have appeal rights with the Deputy Superintendent of Public Instruction as outlined in Oregon Administrative Rule (OAR) 581-002-0040.

If the complaint alleges discrimination pursuant to ORS 659.850 (Discrimination) and the complaint is not resolved at the local level through the Board's administrative regulation AC-AR - Discrimination Complaint Procedure, the complaint may meet the criteria to file an appeal with the Deputy Superintendent of Public Instruction as outlined in OAR 581-021-0049.

¹The timelines may be extended upon written agreement between both parties.

²This also applies to complaints filed against the superintendent or any board member.

SOUTH COAST ESD

COMPLAINT FORM

TO: ☐ ESD Office ☐ _____ (Name of School)

Person Making Complaint _____ Date _____

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: ESD Office