

**Linn Benton Lincoln  
Education Service District**

Code: **KL**  
Adopted: 7/8/98  
Revised: 1/11/20

**Public Complaints \*\***

A parent or guardian of a student attending a school operated by the ESD or a person that resides in a district that receives services from the ESD may petition the ESD with complaints. A complaint will be referred through the proper administrative process for resolution before investigation or action by the Board. An exception will be a complaint against the Superintendent or one that involves Board actions or Board operations.

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

The Board advises that there is an available process for resolving complaints including but not limited to a complaint in one or more of the following areas: instruction, discipline, learning materials, programs or services, compliance with state standards, restraint and/or seclusion, and complaints regarding a staff member or retaliation against a student who in good faith reported information that the student believes is evidence of a violation of a state or federal law, rule or regulation.

The complainant must follow the complaint procedure as outlined in administrative regulation KL-AR (1) Public Complaint Procedure.

Any complaint about ESD personnel will be investigated by the Superintendent, consistent with applicable provisions of the ESD's collective bargaining agreement, before consideration and action by the Board. The Board will not hear complaints against employees in open session unless an employee requests an open session.

Complaints against a program administrator or supervisor as referenced in KL AR (1) and should be filed with the Superintendent.

Complaints against the Superintendent as referenced in KL AR (1) and should be referred to the Board chair on behalf of the Board. The Board may refer the investigation to a third party.

Complaints against the Board as a whole or against an individual Board member as referenced in KL AR (1) should be referred to the Board Chair and may be referred to ESD counsel. Complaints against the Board Chair may be made directly to the Board vice chair.

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 ESD.

The Superintendent will administer the complaint process, as appropriate.

If a complainant, who is a parent or guardian of a student attending a school operated by the ESD, a student or a person who resides in a district that receives services from the ESD, alleges a violation of Oregon Administrative Rule (OAR) Chapter 581, Division 22 (Division 22 Standards), Oregon Revised Statute (ORS) 339.285 to 339.303 or OAR 581-021-0550 to 581-021-0570 (Restraint and Seclusion), or ORS 659.852 (Retaliation) and the complaint is not resolved through the complaint process the complainant may appeal the ESD's final decision to the Deputy Superintendent of Public Instruction under (OAR) 581-002-0001-581-002-0023. See KL-AR (2)- Appeal to the Deputy Superintendent of Public Instruction.

\*\*As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005(4) and 125.300-125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to whom rights have transferred and foster parent as defined in OAR 581-015-2000.

END OF POLICY

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**Legal Reference(s):**

[ORS 192.660](#)  
[OAR 581-022-2370](#)

[ORS 334.125\(7\)](#)  
[OAR 581-002-0001](#) through 002-0005

[ORS 659.852](#)

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).

Connick v. Myers, 461 U.S. 138 (1983)