

**Linn Benton Lincoln
Education Service District**

Code: **KL-AR (1)**
Adopted: 3/09/11
Revised: 2-13-18

Public Complaint Procedure **

Step One

Any member of the public who wishes to express a concern should discuss the matter with the ESD employee involved. The employee shall respond within 10 business days¹.

The Administrator: Step Two

If the individual is unable to resolve the problem or concern with the employee, the individual may file a written, signed complaint to the appropriate program administrator. The program administrator shall evaluate the complaint and render a decision within 10 business days after receiving the complaint.

The Superintendent: Step Three

If Step 2 does not resolve the complaint within 10 business days of the meeting with the administrator, the complainant, if he or she wishes 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. (A form is available, but is not required.)

The Superintendent or designee shall investigate the complaint, confer with the complainant and the parties involved and prepare a report of his/her findings and conclusion and provide the report in writing or electronic form to the complainant within ten business days after receiving the written complaint.

¹“Business day” means a day other than Saturday, Sunday or a legal holiday, and on which at least one paid employee of the ESD is scheduled to and does report to work. Business day does not include any day on which the central administration offices of the ESD are closed.

The Board: Step Four

If the complainant is dissatisfied with the Superintendent or his/her designee's findings and conclusion, the complainant may appeal the decision to the Board within 5 business 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 ESD administration may be asked to attend such hearing for the purposes of making further explanations and clarifying issues. 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 electronic form of the Board's decision within 30 calendar of the submission of the complaint to 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. If the Board chooses not to hear the complaint, the Superintendent's decision is final.

Complaints against the program administrator may be filed with the Superintendent. The Superintendent will attempt to resolve the complaint. If the complaint remains unresolved within 10 business 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 to be heard within 30 calendar days at a scheduled meeting. A final determination shall be made no later than 30 calendar days from the appeal hearing.

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 20 business days, 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, within 20 business days, 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 20 business days, in open session what action, if any, is warranted.

The complaint procedure will not be longer than 90 days from the filing date of the original complaint with the administrator unless the ESD and the complainant have agreed in writing to a longer time period^{2,3}.

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 339.303 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 a the complainant is a student, parent or guardian of a student attending school in the ESD or a person that resides in a district that receives services from the ESD, this complaint may have appeal rights

with the Deputy Superintendent of Public Instruction as outlined in Oregon Administrative Rule 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.

**As used in this administrative rule, 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.

² The timelines may be extended upon written agreement between both parties.

³ This also applies to complaints filed against the Superintendent or any Board member.

LBL ESD COMPLAINT FORM

Person Making Complaint _____ Date _____

Address _____ Email _____

Telephone/Cell phone _____

Nature of Complaint: _____

Who should we talk to and what evidence should we consider? _____

Suggested Solution/Resolution/Outcome: _____

Complainant Signature _____ Date _____

Date Received: _____ Signature _____

Office Use:	Disposition of Complaint:
_____	_____
_____	_____
_____	_____
Signature	Date: