

**Linn Benton Lincoln
Education Service District**

Code: **KL**
Adopted: 7/8/98
Revised: 3/13/2018

Public Complaints **

No staff member, student, 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 will be denied the right to 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 a proper 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 or seclusion, and complaints regarding a staff member 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 a state or federal law, rule or regulation.

The complainant must follow the complaint procedure as outlined in administrative regulation KL-AR-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 may start at step 3 as referenced in KL AR (1) and may be filed with the Superintendent.

Complaints against the Superintendent may start at step 4 as referenced in KL R (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 may start at step 4 as referenced in KL R (1) and should be made 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 develop and administer complaint process, as appropriate.

If any complainant, who is a parent or guardian of a student attending a school operated by the ESD, is a student or is 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 (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 have appeal rights with the Deputy Superintendent of Public Instruction as outlined in (OAR) 581-002-0040. See KL-AR(2)- Appeal to the Deputy Superintendent of Public Instruction.

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

**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

Legal Reference(s):

ORS 192.610 - 192.690	OAR 581-022-1940
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)