

# Gervais School District 1

Code: **KL**  
Adopted: 12/20/90  
Readopted: 7/15/93, 2/19/15,  
11/19/15, 2/15/18  
Administrative change: 10/18/18

## **Public Complaints\*** (Version 4)

(This version of sample policy KL **does not** need an accompanying administrative regulation, it is a stand-alone policy.  
If this policy is chosen by the Board, delete any existing KL-AR.)

Board members recognize that complaints about schools may be voiced by employees, students, parents and community members from time-to-time. When such complaints are made to a Board member, the Board member shall refer the person making the complaint to the superintendent or designee. A Board member shall not attempt to respond, review, handle or resolve such complaints as the individual board member has no authority to do so.

A complaint of retaliation against a student or a student's parent or guardian who in good faith reported information that the student believes is evidence of a violation of state and federal law, rule or regulation, should be made to the superintendent.

A person may initiate a complaint by discussing the matter with the appropriate administrator. That administrator shall attempt to resolve the complaint or identify the reasons for not resolving the issue. In the event a complaint is not resolved within 10 working days at the building level, the complainant may file a written complaint with the superintendent. The superintendent will attempt to resolve the complaint. If the complaint remains unresolved 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. Any written complaint bearing the signature of a complainant, and which is presented to the Board, may be considered by the entire Board. A final written decision regarding the complaint shall be made by the Board within 30 working days from receipt of the complaint. The written decision of the Board will be final and will address each allegation in the complaint and reasons for the district's decision. If the Board chooses not to hear the complaint, the superintendent's decision is final.

The complaint procedure set out above will not be longer than 90 days from the filing date of the original complaint with the administrator.<sup>1</sup>

The district may offer mediation or another alternative dispute resolution process as an option if all parties to the complaint agree in writing to participate in such mediation or resolution.

Complaints against the principal may 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

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<sup>1</sup>The timelines may be extended upon written agreement between both parties.

superintendent, the complainant may request to place the complaint on the Board agenda at the next regularly scheduled or special Board meeting.

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. A final written decision regarding the complaint shall be made by the Board within [30] working days from receipt of the complaint. 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 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. A final written decision regarding the complaint shall be made by the Board within 30 working days from receipt of the complaint. The written decision of the Board will be final and will address each allegation in the complaint and reasons for the district's decision. If the Board decides an investigation is warranted, 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 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. A final written decision regarding the complaint shall be made by the Board within 30 working days from receipt of the complaint. The written decision of the Board will be final and will address each allegation in the complaint and reasons for the district's decision. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. Once the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide in open session what action, if any, is warranted.

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 district.

The final decision for a complaint processed under this Board policy that alleges a violation of Oregon Administrative Rule (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 district's decision. If the complainant is a student, parent or guardian of a student attending school in the district or a person that resides in the district, and the complaint is not resolved through the complaint process above, the complainant may have appeal rights with the Deputy Superintendent of Public Instruction as outlined in 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 administrative regulation AC-AR - Discrimination Complaint Procedure, the complaint may meet the criteria to file an appeal with the Superintendent of Public Instruction as outlined in OAR 581-021-0049.

END OF POLICY

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**Legal Reference(s):**

[ORS 192.610 to -192.690](#)

[ORS 332.107](#)

[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).