

**Linn Benton Lincoln
Education Service District**

Code: **KL-AR (1)**
Adopted: 3/09/11
Revised: 12/10/2019

Public Complaint Procedure **

A parent or guardian of a student attending a school operated by the ESD or is receiving services from the ESD or a person who resides in the ESD, who wishes to express a concern should discuss the matter with the ESD employee involved.

The Administrator: Step One

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 ten business days after receiving the complaint. (A form is available, but is not required.)

The Superintendent: Step Two

If Step 1 does not resolve the complaint within ten business¹ days of the written response from the administrator, the complainant, may file a written signed 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 his/her findings and conclusion and provide the report² in writing or electronic form to the complainant within ten business days after receiving the written complaint.

The Board: Step Three

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 five business days of receiving the Superintendent's decision.

The Board will review the findings and conclusion of the Superintendent, in a public meeting to determine what action is appropriate. The Board may use executive session if the subject matter qualifies under Oregon law. Appropriate action may include, but is not limited to, holding a hearing, requesting additional information, and adopting the Superintendent's decision as the ESD's final decision in public session. 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 thirty 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. The

timelines may be extended upon written agreement between the ESD and the complainant.

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

The Board may use executive session if the subject matter qualifies under Oregon law. The Board shall decide, within twenty days, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within ten days. The written decision of the Board will address each allegation in the complaint and reasons for the ESD's decision.

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 in a Board meeting. 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. The Board shall decide, within twenty business days, in open session what action, if any, is warranted. The Board may use executive session if the subject matter qualifies under Oregon law. A final written decision regarding the complaint shall be issued by the Board within ten days. 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 referred to the Board chair on behalf of the Board. The Board chair shall present the complaint to the Board in a Board meeting. 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. The Board shall decide, within twenty business days, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within ten days. The written decision of the Board will address each allegation in the complaint and reasons for the ESD's decision.

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 in a Board meeting. 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. The Board shall decide, within twenty business days, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within ten days. The written decision of the Board will address each allegation in the complaint and reasons for the ESD's decision.

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 appeal³ the ESD's final decision to the Deputy Superintendent of Public Instruction under OAR 581-002-0001-581-002-0023.

**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.

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.

²If the Board chooses to accept the Superintendent’s decision as the ESD’s final decision on the complaint, the Superintendent’s written decision must meet the requirements of OAR 581-022-3270(4)(b).

³An appeal must meet the criteria found in OAR 581-002-0005(1)(a).

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: