

Pendleton School District 16R

Code: KL
Adopted: 10/10/05
Revised/Readopted: 7/12/10; 2/09/15; 9/21/15;
12/14/15; 4/11/16; 11/09/20
Orig. Code: KL

Public Complaints**

Board members recognize that complaints about schools may be voiced by employees, students, parents of students who attend a school in the district, and persons who reside in the district. 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 who in good faith reported information that the student believes is evidence of a violation of state or federal law, rule or regulation, should be made to the superintendent.

A person may initiate a complaint by discussing the matter with the administrator. That administrator shall attempt to resolve the complaint within 10 working days of initiation of the complaint with the administrator. If the complainant is dissatisfied, the complainant may file a written complaint with the superintendent within 10 working days of the decision from the administrator. The superintendent will attempt to resolve the complaint. If the complaint remains unresolved after 10 working days of receipt of the complaint by the superintendent, the complainant may appeal to the Board. A written complaint referred to the Board may be considered at the next regularly scheduled or special board meeting. A final written decision regarding the complaint shall be made by the Board within 20 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 Board may hold the hearing in executive session if the subject matter qualifies under Oregon law.

The timelines may be extended upon written agreement between the district the complainant.

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 should 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 superintendent, the complainant may request to place the complaint on the Board agenda at the next regularly scheduled or special Board meeting. The Board may use executive session if the subject matter qualifies under Oregon law. The Board shall decide, within 20 days, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within 10 days. The written decision of the Board will address each allegation in the complaint and reasons for the district'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 may use executive session if the subject matter qualifies under Oregon law. The Board shall decide, within 20 days, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within 10 days. The written decision of the Board will address each allegation in the complaint and reasons for the district'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 20 days, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within 10 days. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.

Complaints against the Board chair should 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 20 days, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within 10 days. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.

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 district's final decision for a complaint processed under this Board policy that alleges a violation of Oregon Administrative Rule (OAR) Chapter 581, Division 22 (Division 22 Standards), ORS 339.285 - 339.303 or OAR 581-021-0550 - 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 file an appeal¹ to the Deputy Superintendent of Public Instruction under OAR 581-002-0001 – 581-002-0023

Charter Schools of which the District Board is a Sponsor

The Pendleton School District Board, through its charter agreement with Nixyáawii Community School sponsored by the Pendleton School District board, will not review an appeal of a decision reached by the Board of the Nixyáawii Community School on a complaint alleging a violation of ORS 339.285 - 339.303

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

or OAR 581-021-0550 - 581-021-0570 (Restraint or Seclusion), ORS 659.852 (Retaliation), or applicable OAR Chapter 581, Division 22 (Division 22 Standards), for which the district Board has jurisdiction, and recognizes a decision reached by the Board of Nixyáawii Community School as the district Board's final decision. A final decision reached by this district Board may be appealed to the Oregon Department of Education under OAR 581-002-0001 - 581-002-0023.

Public Complaint – School Personnel

Complaint initiated by _____

Telephone _____ Address _____

City _____ State _____ Zip Code _____

1. What is the basis for your complaint?

2. What do you feel is an equitable and fair solution to the complaint?

Signature of Complainant

Date

Request for Reconsideration of Instructional Material

Fill in the information as appropriate:

If printed give:

If audiovisual give:

Author _____ Title _____

Title: _____ Type of Material _____

The following information will be provided by school personnel:

Hardcover _____ Paperback _____ Producer _____

Publisher _____ Distributor _____

Copyright Date _____ Copyright Date _____

Your Name _____

Telephone _____ Address _____

City _____ State _____ Zip Code _____

You represent (Check one)

_____ Yourself only
_____ Name of Organization _____
_____ Identify any other group _____

1. To what in the material do you object? (Please be specific) _____

2. What do you believe might be the result of using this materials? _____

3. Did you review the material in its entirety? _____ (Yes or No) (Read all of the book or see the film and hear the discussions preceding and following the showing? If not, what part did you review? _____

Request for Reconsideration for Instructional Materials

1. Are you acquainted with the judgement of this material by professional critics? _____

 2. What would you like your school to do about this material?
 - Do not use it with my child
 - Withdraw it from use with all students as well as from my child
 - Send it back to the selector or selectors for reevaluation
 3. In its place, what material of quality would you recommend that would be an appropriate substitute in the curriculum subject area involved? _____

- _____
Signature of Complainant
- _____
Date

Review of Administrative Decision

This form is to be used to request a review by the Board of an administrative decision or an interpretation of a procedure, policy or administrative regulation.

Submitted by: _____ Telephone: _____

Address: _____

State the decision, procedure, administrative regulation or policy questioned: _____

Describe in detail (use other pages as necessary) the nature of or reasons for concern: _____

Requested changes or suggested resolutions of the problem: _____

NOTE: You are invited to appear to personally address the Board or you may choose to submit only your written statement. You will be advised in writing of the Board's decision within 20 working days after the Board has heard the complaint.

I wish to appear before the Board:

- ☐ Yes
- ☐ No

Signature of Complainant

Date

Public Complaints – Athletic Complaint Procedure

Complainant's Name: _____ Date: _____

Sport: _____

1. Describe your complaint. _____

2. Describe the problem that led to the complaint. _____

3. What steps have been taken to resolve the problem? _____

4. What adjustment is sought? _____

Signature of person initiating the complaint

Date

Signature of athletic director or coach

Date

Submitted to the principal for review on _____ (Date)

Principal's Recommendation: _____

Signature of Principal

Date

Submitted to Superintendent if not resolved at site _____ (Date)

END OF POLICY

Legal Reference(s):

[ORS 192](#).660
[ORS 332](#).107

[ORS 659](#).852
[OAR 581](#)-002-0001 - 002-0005

[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).

Cross Reference(s):

GBNAA/JFCFA - Cyberbullying
JFCFA/GBNAA - Cyberbullying
IIA - Instructional Materials

OSBA Model Sample Policy

Code: KL
Adopted:

Public Complaints */**

A parent or guardian of a student attending a school in the district~~{,}~~ ~~{or}~~ a person who resides in the district~~{,}~~ a staff member~~{,}~~ or a student~~{}~~ may petition the district with a complaint. A complainant will be referred through the proper administrative process for resolution of a complaint 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 district's administrative office and on the home page of the district's website.

~~{~~The Board advises that there is a process available for resolving complaints, including but not limited to complaints in one or more of the following areas:

1. Instruction;
2. Discipline;
3. Learning materials or programs or services;
4. Compliance with State Standards;
5. Restraint and/or seclusion;
6. With a staff member; or
7. Retaliation against a student who in good faith reported information that the student believes is evidence of a violation of state or federal law, rule or regulation.~~}~~

The complainant must follow the complaint procedure as outlined in administrative regulation KL-AR_- Public Complaint Procedure.

~~{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.}~~

~~{~~Any complaint about school personnel other than the superintendent will be investigated by the administration before consideration and action by the Board. The Board will not hear complaints against employees in a session open to the public unless an employee requests an open session.~~}~~

~~{~~Complaints against the principal should be filed with the superintendent. ~~(See KL-AR{(1)}—Public Complaint Procedure)}~~

~~{Complaints against the superintendent should be referred to the Board chair on behalf of the Board. (See KL-AR[(1)]—Public Complaint Procedure)}~~

~~{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. (See KL-AR[(1)]—Public Complaint Procedure)}~~

~~{Complaints against the Board chair should be referred directly to the [district counsel] [Board vice chair] on behalf of the Board. (See KL-AR[(1)]—Public Complaint Procedure)}~~

{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 superintendent will administer the complaint process, as appropriate.

If any complaint alleges a violation of Oregon Administrative Rule (OAR) Chapter 581, Division 22 (Division 22 Standards), Oregon Revised Statute (ORS) 339.285 - 339.303 or OAR 581-021-0550 - 581-021-0570 (Restraint and Seclusion), or ORS 659.852 (Retaliation), and the complaint is not resolved through the complaint process, the complainant, if [a student,] a parent or guardian of a student attending a school in the district or a person who resides in the district, may appeal¹ the district's final decision to the [Deputy Superintendent of Public Instruction](#) Oregon Department of Education under OARs 581-002-0001 - 581-002-0023[(See KL-AR(2) - Appeal to the Deputy Superintendent of Public Instruction)].

Charter Schools of which the District Board is a Sponsor

~~{The district Board, [through its charter agreement with [name of public charter school sponsored by the district board]] [through a board resolution] [through this policy], will review an appeal of a decision reached by the Board of [name of public charter school] on a complaint alleging a violation of ORS 339.285 - 339.303 or OAR 581-021-0550 - 581-021-0570 (Restraint or Seclusion), ORS 659.852 (Retaliation), or applicable OAR Chapter 581, Division 22 (Division 22 Standards). A complainant may appeal and will submit such appeal to the [superintendent] [Board chair] on behalf of the district Board within [30] days of receipt of the decision from the public charter school board. A final decision reached by the district Board may be appealed to the Oregon Department of Education under OAR 581-002-0001 - 581-002-0023.}~~

OR

{The [Pendleton School d](#)District Board, {through its charter agreement with [name of public charter school sponsored by the district board]] [Nixyaawii Community School](#) through a board resolution] [through this policy], will not review an appeal of a decision reached by the Board of the [name of public charter school] [Nixyaawii Community School](#) on a complaint alleging a violation of ORS 339.285 - 339.303 or

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

OAR 581-021-0550 - 581-021-0570 (Restraint or Seclusion), ORS 659.852 (Retaliation), or applicable OAR Chapter 581, Division 22 (Division 22 Standards), for which the ~~district Pendleton School District~~ Board has jurisdiction, and recognizes a decision reached by the Board of Nixyaawii Community School ~~[name of public charter school]~~ as the ~~district Pendleton School District~~ Board's final decision. A final decision reached by this ~~district Nixyaawii Community School~~ Board may be appealed to the Oregon Department of Education under OAR 581-002-0001 - 581-002-0023.]

END OF POLICY

Legal Reference(s):

[ORS 192.660](#)
[ORS 332.107](#)

[ORS 659.852](#)
[OAR 581-002-0001 - 002-0005](#)

[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).

OSBA Model Sample Policy

Code: KL
Adopted:

Public Complaints */**

A parent or guardian of a student attending a school in the district, or a person who resides in the district, a staff member, or a student may petition the district with a complaint. A complainant will be referred through the proper administrative process for resolution of a complaint 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 district's administrative office and on the home page of the district's website.

The Board advises that there is a process available for resolving complaints, including but not limited to complaints in one or more of the following areas:

1. Instruction;
2. Discipline;
3. Learning materials or programs or services;
4. Compliance with State Standards;
5. Restraint and/or seclusion;
6. With a staff member; or
7. Retaliation against a student who in good faith reported information that the student believes is evidence of a violation of 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 school personnel other than the superintendent will be investigated by the administration before consideration and action by the Board. The Board will not hear complaints against employees in a session open to the public unless an employee requests an open session.

Complaints against the principal should be filed with the superintendent.

Complaints against the superintendent should be referred to the Board chair on behalf of the Board.

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.

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 superintendent will administer the complaint process, as appropriate.

If any complaint alleges a violation of Oregon Administrative Rule (OAR) Chapter 581, Division 22 (Division 22 Standards), Oregon Revised Statute (ORS) 339.285 - 339.303 or OAR 581-021-0550 - 581-021-0570 (Restraint and Seclusion), or ORS 659.852 (Retaliation), and the complaint is not resolved through the complaint process, the complainant, if a student, a parent or guardian of a student attending a school in the district or a person who resides in the district, may appeal¹ the district's final decision to the Oregon Department of Education under OARs 581-002-0001 - 581-002-0023.

Charter Schools of which the District Board is a Sponsor

The Pendleton School District Board, through its charter agreement with Nixyáawii Community School will not review an appeal of a decision reached by the Board of Nixyáawii Community School on a complaint alleging a violation of ORS 339.285 - 339.303 or OAR 581-021-0550 - 581-021-0570 (Restraint or Seclusion), ORS 659.852 (Retaliation), or applicable OAR Chapter 581, Division 22 (Division 22 Standards), for which the Pendleton School District Board has jurisdiction, and recognizes a decision reached by the Board of Nixyáawii Community School as the Pendleton School District Board's final decision. A final decision reached by this Nixyáawii Community School Board may be appealed to the Oregon Department of Education under OAR 581-002-0001 - 581-002-0023.

END OF POLICY

Legal Reference(s):

[ORS 192.660](#)
[ORS 332.107](#)

[ORS 659.852](#)
[OAR 581-002-0001 - 002-0005](#)

[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).

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