

Public Complaints

No staff member, student, parent or guardian of a student attending school in the district or person that resides in the district will be denied the right to petition the district with a complaints. 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 for resolving complaints, including but not limited to a complaint in one or more of the following areas:

1. Instruction;
2. Discipline;
3. Learning materials;
4. Compliance with State Standards;
5. Restraint and/or seclusion;
6. With a staff member; or
7. 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 state and 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 may start at step 3 and may be filed with the superintendent.

Complaints against the superintendent may start at step 4 and 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 may start at step 4 and should be made to the Board chair on behalf of the Board.

Complaints against the Board chair may start at step 4 and may be made directly to the Board vice 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 develop and administer the complaint process, as appropriate.

If any complaint alleges a violation of Oregon Administrative Rule (OAR) Chapter 581, Division 22 (Standards), Oregon Revised Statute (ORS) 339.285 to 339.383 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, who is a student, a parent or guardian of a student attending a school in the district or a person who resides in the district, may appeal rights with the Deputy Superintendent of Public Instruction as outlined in Oregon Administrative Rule (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 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

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).

Public Complaint Procedure

Step One

Any member of the public who wishes to express a concern should discuss the matter with the school employee involved. The employee shall respond within five working days.

The Administrator/Supervisor: Step Two

If the individual is unable to resolve a problem or concern with the employee, the individual may file a written, signed complaint with the administrator/supervisor. The administrator/supervisor shall evaluate the complaint and render a decision within five working days after receiving the complaint.

The Superintendent: Step Three

If Step 2 does not resolve the complaint, within 10 working days of the meeting with the administrator/supervisor, the complainant, if he/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 in an electronic form to the complainant within 10 working days after receiving the written complaint.

The Board: Step Four

If the complainant is dissatisfied with the superintendent's or designee's findings and conclusion, the complainant may appeal the decision to the Board within ten working 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 school administration, may be asked to attend such hearing for the purposes of, making further explanations and clarifying the issues.

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 complainant shall be informed in writing or in electronic form of the Board's decision within 30 working days from the hearing of the appeal by the Board. The Board's decision will address each allegation in the complaint and contain reasons for the district's decision. The Board's decision will be 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/supervisor.^{1,2}

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 339.383 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 a 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 this complaint is not resolved through the complaint process, the complainant may have appeal rights with the Deputy Superintendent of Public Instruction as outlined in Oregon Administrative Rule (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 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.

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 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. 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 30 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 30 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 30 days, in open session what action, if any, is warranted.

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¹The timelines may be extended upon written agreement between both parties.

²This also applies to complaints filed against the superintendent or any Board member.

Cascade School District #5

COMPLAINT FORM

PLEASE PRINT

Name of Complainant: _____

Address: _____ City/Zip: _____

Phone: _____ Email: _____

Nature of Complaint (include specific dates and times, attach additional sheets if needed): _____

Steps you have taken to resolve the issue (include specific dates and times, attach additional sheets if needed): _____

Name of witnesses (if any): _____

Remedy sought: _____

Any other information: _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature of Complainant: _____ Date: _____

DISTRICT USE ONLY		
Received by: _____	Date: _____	Time: _____
Administrator follow-up: _____	Date: _____	

