

## Public Complaints

No staff member, student, parent or guardian of a student attending the public charter school or person that resides in the district where the public charter school is located will be denied the right to petition the school 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 executive director or one that involves Board actions or Board operations.

The complaint procedure is available at the public charter school's administrative office and on the home page of the public charter school's website.

The Board advises the public there is a proper process for resolving complaints, including but not limited to concerns in 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 public charter school may offer mediation or an other 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 public charter school personnel other than the executive director will be investigated by the administration before consideration and action by the Board. The Board will not hear charges against employees in a session open to the public unless an employee requests an open session.

Complaints against the executive director may skip step 2.

Complaints against the Board as a whole or against an individual Board member may start at step 3 and should be made to the Board chair on behalf of the Board.

Complaints against the Board chair may start at step 3 and 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 public charter school.

The executive director 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 and OAR 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, is a parent or guardian of a student who attends the school or who is a person who resides in the district where the school is located, 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

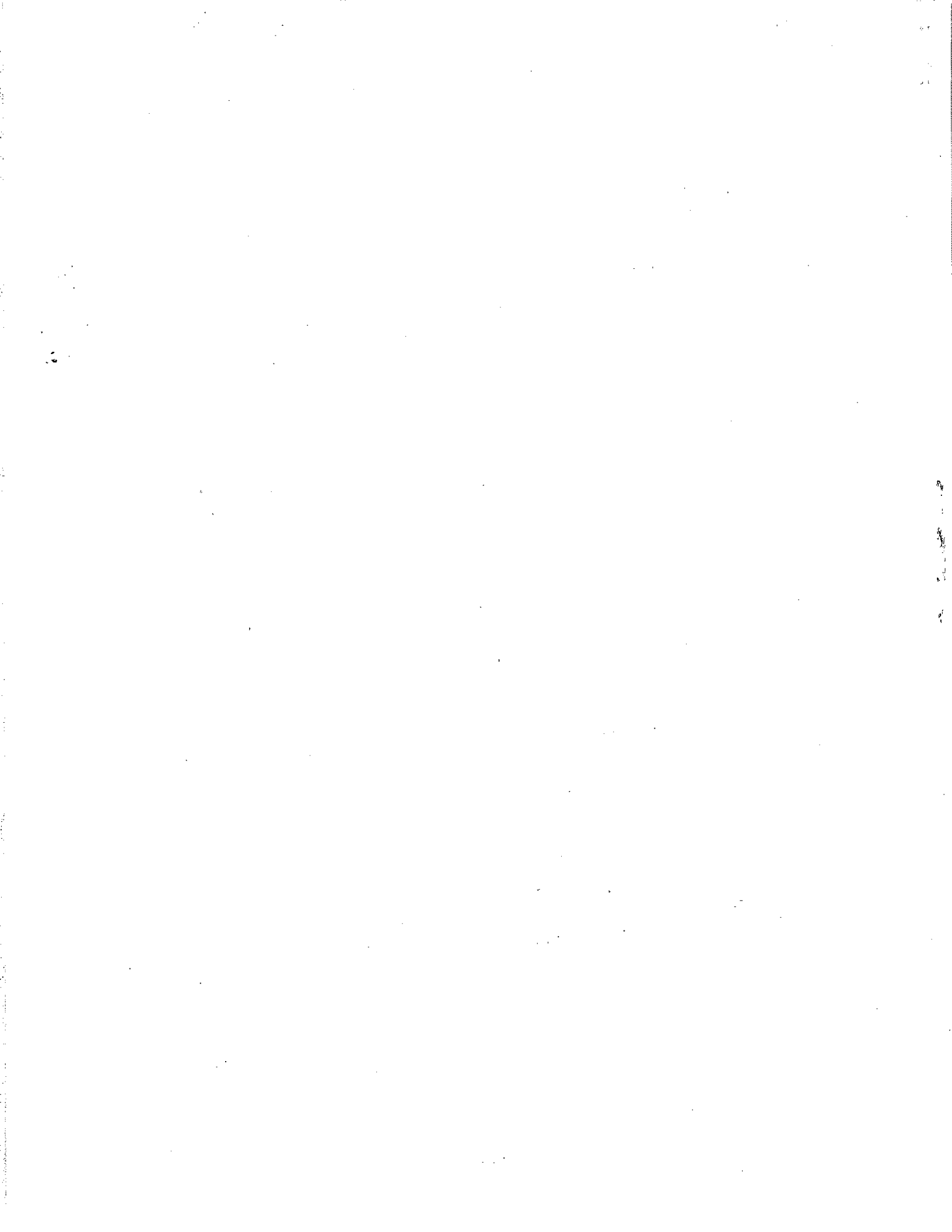
ORS 338.115(2)

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).



# Mosier Community School

Code: **KL-AR(1)**  
Revised/Reviewed: 5/12/16; 10/20/16; 12/13/17

## Public Complaint Procedure

### Step One

Any member of the public who wishes to express a concern should discuss the matter with the public charter school employee involved. It is the intent of the public charter school to solve problems and address all complaints as close as possible to their origin. The employee shall respond within 10 school days.

### Executive Director/Principal: Step Two:

If the individual is unable to resolve a problem or concern with the employee the individual may file a signed, written complaint with the executive director/principal clearly stating the nature of the of the complaint and a suggested remedy. The Mosier Community School Complaint Form must be used for the written submission of the complaint.

The executive director/principal shall investigate the complaint, confer with the complainant and the parties involved and prepare a report of his/her conclusion and provide a report in writing or in an electronic form to the complainant. A written report will be provided to the complainant within 10 working days after receiving the written complaint.

### The Board: Step Three:

If the complainant is dissatisfied with the executive director/principal's findings and conclusion, the complainant may appeal the decision to the Board within 10 working days of receiving the executive director/principal's decision. The Board may hold a hearing to review the findings and conclusion of the executive director/principal, to hear the complainant and to take such other evidence as it deems appropriate. All parties involved 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 administrators 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 20 working days from the hearing of the appeal to the Board. The Board's decision will address each allegation in the complaint and contain reasons for the Board's decision.

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

Complaints against the executive director/principal make step 2 redundant and should be referred to the Board chair on behalf of the Board. The complainant must file a signed, written complaint clearly stating the nature of the complaint and a suggested remedy. The Mosier Community School Complaint Form must be used for the written submission of the complaint. 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 in an executive session, unless the executive director/principal requests an open session. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

Complaints against the Board as a whole or against an individual Board member may start at step 3 and should be made to the Board chair on behalf of the Board. The complainant must file a signed, written complaint clearly stating the nature of the complaint and a suggested remedy. The Mosier Community School Complaint Form must be used for the written submission of the complaint. 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 20 days, in open session what action, if any, is warranted.

Complaints against the Board chair may start at step 3 and should be made directly to the Board vice chair on behalf of the Board. The complainant must file a signed, written complaint clearly stating the nature of the complaint and a suggested remedy. The Mosier Community School Complaint Form must be used for the written submission of the complaint. 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 20 days, in open session what action, if any, is warranted.

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 school's decision. If the complainant is a student, parent or guardian of a student attending the public charter school or a person that resides in the district where the school is located, and this complaint alleges a violation of Oregon Administrative Rule (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), and 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.

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.

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<sup>1</sup>The timelines may be extended upon written agreement between both parties. This also applies to complaints filed against the superintendent or any Board member.

Mosier Community School

COMPLAINT FORM

Person Making Complaint \_\_\_\_\_

Phone Number \_\_\_\_\_ Date \_\_\_\_\_

Nature of Complaint \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Who should we talk to and what evidence should we consider? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Suggested solution/resolution/outcome: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Complainant: \_\_\_\_\_ Date: \_\_\_\_\_

Office Use: Disposition of Complaint: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

