# Dayton School District 8

Code: KL
Adopted: 10/08
Revised/Readopted: 8/11/15; 12/08/15; 5/10/16; 11/10/20
Orig. Code: KL

## 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;

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. (See KL-AR – Public Complaint Procedure)

Complaints against the superintendent should be referred to the Board chair on behalf of the Board. (See KL-AR – 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 – Public Complaint Procedure)

Complaints against the Board chair should be referred directly to the Board vice chair on behalf of the Board. (See KL-AR – 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 appeal[1] the district's final decision to the Oregon Department of Education under OARs 581-002-0001 - 581-002-0023.

END OF POLICY

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**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):**

AC - Nondiscrimination
ACB - All Students Belong
IIA - Instructional Resources/Instructional Materials

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