



ADM-P008-COMPLAINTS, PUBLIC: PROCESS FOR RESOLVING

PROCEDURE

EXECUTIVE ADMINISTRATION

SUMMARY

This procedure outlines the process for resolving complaints as required by OAR 581-022-2370, including, complaints related to instructional standards and practices, special education¹, health and safety, equitable education opportunities, athletics safety, restraint or seclusion, incident of racism, bias or discrimination, retaliation against a student or parent/guardian, and failure to investigate complaints of bias.

Salem-Keizer Public Schools is committed to providing timely responses to questions and taking prompt, decisive action when concerns are brought forth by any of our stakeholders. In every instance, the district responds to inquiries in accordance with the law and all relevant district policies and procedures.

All problems or concerns should first be directed to the individual(s) involved in an attempt to resolve differences at the lowest level. If the problem or concern is unresolved, it is essential that the site supervisor or principal be included in the process. If the problem or concern cannot be resolved with the site supervisor or principal, concerns may be addressed using the district complaint process.

DEFINITIONS

Complaint

Any concern, problem, or difficulty related to the complaints listed in Summary above.

Complainant

A parent or legal guardian of a student(s) attending Salem-Keizer Public Schools, a Salem-Keizer Public Schools student, or a member of the public residing within the boundaries of the school district, who has initiated a complaint within the district or under the district's purview.

Days

Calendar days.

Working days

Any day the district is open for business, which excludes weekends, holidays, emergency closure days, or other days the district defines as "closed."

Discrimination

Any act that unreasonably differentiates treatment, intended or unintended, or any act that is fair in form but discriminatory in operation, either of which is based on age, disability, national origin, race, color, marital status, religion, sex, sexual orientation, or gender identity.

TIMELINE

1. In order to investigate a complaint while memories are recent and witnesses and documents are likely more available, a complaint must be filed within the following time limits:
 - a. 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 limit runs from the date of the most recent incident; or

¹ Complainants who bring forward a concern about special education must be provided a print or electronic copy of [Parental Rights and Procedural Safeguards](#).

- b. Within one year after the affected student has graduated from, moved away from, or otherwise left the district, whichever is later.
2. The time limits for bringing formal complaints may be extended by the district for complaints about significant student safety issues, including those arising out of employee misconduct, sexual abuse or conduct, or other allegations of harm to students.
3. The receipt of a written complaint starts the 90-day timeline for resolution of complaints under this policy.

PROCESS: LEVEL ONE: WRITTEN COMPLAINT

1. Complaints must be submitted to the Office of the Superintendent using the [online complaint form](#). If you need assistance filling out the online form, please reach out to us at info@salkeiz.k12.or.us or call us at 503-399-3001. We are committed to ensuring that everyone has equal access, and we will be glad to assist you. The written complaint must include the name and contact information for the complainant, a description of the concern, and the student's name, if applicable. Optional and helpful information includes the names and contact information of witnesses, a description of efforts to resolve the concern, and suggestions for resolution. The complainant will receive written acknowledgement of receipt of the complaint within five (5) days of receipt.
 - a. A district leader for the respective school or the appropriate department supervisor will be responsible for investigating and responding to a Level One complaint. The superintendent may assign a different decision-maker for a Level One complaint as appropriate. Complaints involving discrimination shall also be forwarded to the appropriate District Coordinator:
<https://salkeiz.k12.or.us/careers/nondiscrimination-title-ix>
 - b. The district leader will refer the complainant back to the school or department leader if there have not been efforts to resolve the issue informally at the school or department level.
 - c. Any informal resolution of discrimination complaints must be voluntarily agreed upon by both parties and may be rejected by either party.
2. All formal complaints, including each concern raised, will be investigated, decided, and communicated in writing within 30 days of receipt of the complaint, unless the parties agree to extend the deadline. The written decision will include the reasons for the district's decision. Any agreement to extend the deadline shall be in writing.
3. Upon receiving the Level One decision, if the complainant wants to continue to appeal, the complainant may appeal to the superintendent.

PROCESS: LEVEL TWO: APPEAL TO THE SUPERINTENDENT

1. If the complaint is not resolved to the complainant's satisfaction, the complainant may request a review by the superintendent. The request for review must be submitted in writing within 10 days of the complainant receiving the Level One decision.
 - a. After reviewing materials previously submitted or gathered, and after conducting additional review, if deemed necessary, the superintendent or designee shall issue a written decision addressing the review of each of the allegations raised in the complaint and the reason for the decision and provide the written decision to the complainant, pursuant to OAR 581-022-2370.
2. All complaints appealed to the superintendent will receive a decision in writing within 30 days of receipt of the request for review. The decision will include information on the steps for further appeal under this policy.
3. Upon receiving the superintendent's decision, if the complainant wants to continue to appeal, the complainant may appeal to the board chairperson and vice-chairperson(s). The appeal must be submitted in writing to the Office of the Superintendent within ten (10) days of receiving the Level Two decision.

PROCESS: LEVEL THREE: APPEAL TO THE SCHOOL BOARDS CHAIRPERSON AND VICE CHAIRPERSON(S)

1. The school board chairperson and a vice-chairperson(s) shall review the record of the complaint and determine whether the nature of the complaint and the superintendent's decision warrant a hearing before the full board.

- a. At their discretion, the board chairperson may include both vice-chairpersons or a third school board director (but no more than three (3) school board directors) to participate in the reviewing of the complaint as described in section 1 of Process: Level Two: Appeal to the Superintendent.
2. The decision of the chairperson and vice-chairperson(s) will be sent to the complainant in writing no later than ten (10) working days after receipt of the written appeal.
 - a. If dissatisfied with the decision, the complainant has the right to petition, in writing, the remaining board members requesting a hearing. The written petition must be submitted to the Office of the Superintendent, in writing, within ten (10) working days of the complainant receiving the written decision of the chairperson and vice-chairperson(s).

PROCESS: LEVEL FOUR: PETITIONING SCHOOL BOARD MEMBERS

1. The superintendent or designee will provide the school board a copy of the petition and a copy of the record of the complaint within ten (10) working days of receiving the petition.
2. The board members will review the record of the complaint and submit their individual decision regarding holding a full hearing to the superintendent, in writing, within ten (10) working days of receiving the record of the complaint.
3. If there are not four members who agree to hold a hearing, the decision of the chairperson and vice-chairperson(s) will be final.
 - a. The complainant will be notified of the outcome of their petition in writing.
4. If there are four board members who agree to hold a hearing, a hearing will be scheduled in accordance with the Oregon Public Meetings Law. The decision of the board, at the conclusion of the hearing, shall be final.
 - a. If a hearing is held and a final decision is made, the board will notify the complainant of the final decision. If the appeal was on subject matter related to the issues in Section 2 of Outside Agencies below, the district will provide notification that the district's decision may be appealed to the Oregon Deputy Director of Public Instruction.

OUTSIDE AGENCIES

1. If the complainant chooses to file with an outside administrative agency, or if legal action is initiated in state or federal court, the outside process will cause the district's complaint process to cease.
2. The complainant may appeal directly to the Oregon Deputy Superintendent of Public Instruction under OAR 581-022-1940 relating to certain violations of Oregon Administrative Rule (OAR) and Oregon law. This includes OAR 581-022 standards, restraint and seclusion complaints in OAR 581-21-0550 to -0570, discrimination complaints in OAR 581-021-0045 to -047, and retaliation complaints in ORS 659.852.

OTHER TYPES OF COMPLAINTS

1. A report of discrimination that is made to a Salem-Keizer Public Schools employee is sufficient to begin the complaint process. Any District employee who receives a report of discrimination shall immediately notify the district leader for the respective school or department and the appropriate District Coordinator: <https://salkeiz.k12.or.us/careers/nondiscrimination-title-ix>.
2. Complaints about sexual conduct and sexual discrimination should be directed to the Title IX Department (503-399-3000).
3. Complaints or reports about child abuse should be directed immediately to the Child Abuse Hotline at 1-855-503-SAFE (7233), as well as to a Salem-Keizer Public Schools supervisor.
4. Complaints against the Superintendent
 - a. Any complaint about alleged personal misconduct or discrimination by the superintendent shall be overseen by the Salem-Keizer Public Schools Board of Directors
 - i. Operational decisions made by the superintendent that are within the Executive Limitations established by the board of directors are not subject to the complaint procedure.
 - ii. Complaints against the superintendent shall start at Level Three.
5. Complaints against Board Member(s)

- a. Board members are volunteers serving in an elected capacity and are accountable to the citizens in the Salem-Keizer Public Schools boundary for their actions and policy positions. Complaints alleging ethics violations or violations of the law against an individual board member should be made to the board chairperson who may handle in accordance with Board Governance Policy (BG) 6 Process for Addressing Board Member Violations or will refer the issue(s) to the district's legal counsel or to the appropriate governmental jurisdictions as may be required by law.
 - b. Complaints related to ethics violations or violations of the law against the board chairperson should be made to the board vice-chairperson(s) who will handle as outlined in 4a above.
 - c. Complaints against individual board members shall start at Level Three.
6. Complaints submitted directly to members of the Salem-Keizer Public School Board
- a. School board members who receive formal complaints from constituents or staff shall forward complaints to the district's complaint coordinator. Board members shall forward informal complaints or other concerns that are not formal complaints to the superintendent for routing to the appropriate individual in order to address the concern.

APPLICABILITY

- SKPS Staff, Students and Community

ASSOCIATED DOCUMENTS

- ADM-A005: Complaints: Public

APPROVAL AUTHORITY

- Executive Administration

REVISION HISTORY

- 07/30/2012 – Approved by Cabinet.
- 08/25/2016 – Added 3.7.1.1 describing the option to add another board member in the reviewing of the record to determine if a hearing is warranted.
- 05/05/2017 – Approver changed.
- 07/29/2019 – Changed wording section 3.7.3 to be consistent with wording in section 3.6.2.
- 03/03/2022 – Minor adjustments throughout.
- 02/02/2023 – Streamlined process and included procedure for complaints made directly to the school board, against the superintendent, and against board directors.
- 02/10/2023 – Corrected formatting errors.
- 05/30/2024 – Minor update to scope with the inclusion of racism; updated formatting for accessibility.
- 06/14/2024 – Minor formatting correction and changed link to go to online form, instead of resolution process page.
- 11/21/24 – Added language specific to discrimination complaints; added Student to definition of complainant.