



Formal Public Complaints * (Version 3 – Clean copy)

Portland Public Schools recognizes students, parents/guardians, and the broader community as essential partners in the educational process. These important partners must have the opportunity to make their concerns known to the district. Maintaining strong relationships includes having a fair, accessible process in which complaints can be addressed in a timely manner. Portland Public Schools welcomes expressions of concern as opportunities to learn, clarify our intentions, and engage in continuous improvement to benefit all students.

Whenever possible, concerns should be resolved informally through communication with the school or department directly involved in the issue. If this approach does not result in resolution, the District provides a formal complaint process. The Board intends that complaints be resolved as expeditiously as possible and in compliance with state law.

The District serves a diverse community of students and parents/guardians. The Racial Educational Equity Policy 2.10.010-P provides: “The District shall welcome and empower students and families, including underrepresented families of color (including those whose first language may not be English) as essential partners in their student’s education, school planning and District decision-making. The District shall create welcoming environments that reflect and support the racial and ethnic diversity of the student population and community.” The complaint process must be implemented in a manner that is accessible to, and welcoming of, all of our students, parents/guardians and community members. All parties to the complaint process will be treated, and will treat others, with dignity and respect.

Administrative Directive creation and review; Annual reports; Transparency and accessibility

The Board directs the Superintendent to implement an administrative directive that sets forth the specific process and procedure for complaint resolution. The administrative directive and any changes that are subsequently made will be submitted for review to the Board. The Board further directs the Superintendent to make information regarding the complaint process to members of the school community in a manner that is accessible and user-friendly, and to provide training for school staff in the implementation of the policy and administrative directive. Since complaints can be an important indicator of the health of an organization, the Superintendent will provide at least annually a document that provides data on trends and emerging issues as well as the functioning of the process. .

A full explanation of the complaint procedure, including all forms, shall be available at the district’s administrative office and on the home page of the district’s website.

Translation and interpretation services are available to complainants.

The District will also ensure that resources are provided for complainants who request assistance in preparing a written complaint.

Types of complaints

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: Instruction; Discipline; Learning materials; Compliance with State Standards; Restraint and/or seclusion; or 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

Complaints about staff or the superintendent

Any complaint about school personnel other than the Superintendent will be investigated by the administration before consideration and action by the Board. Any complaint about the Superintendent shall be reviewed by the Board of Education.

The Board will not hear complaints against employees in a session open to the public unless an employee requests an open session. Any concerns raised about employee misconduct or performance are reviewed or investigated by the employee's supervisor with support from Human Resources and according to the complaint process described in Policy ###. These complaints are not covered by this Complaint process and are therefore not subject to the timelines and appeals processes. Current and former employees may not bring a complaint under this policy regarding the terms, conditions, or status of their employment.

The complainant must follow the complaint procedure as outlined in AD XYZ.

Timelines and overview of the Formal complaint steps

In order to facilitate a timely and complete investigation, a complainant may file a complaint within the following time limits established by 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 runs 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, whichever is later. (A longer timeline for misconduct complaints or is that in the personnel complaint policy?)

Filing a Complaint

The receipt of a written complaint starts the 90-day completion timeline for Oregon Department of Education subject complaints required by law.

Step 1:

- A. The written complaint must be filed with the Office of the Superintendent via letter, email, or the written complaint form. The written complaint should include the name and contact information for the complainant, a description of the concern, and the student's name, if applicable. In order to facilitate the resolution process, it is helpful if the written complaint also includes the names of any other parties involved, including witnesses, a description of efforts to resolve the concern, and suggestions for resolution. The complainant shall receive a written acknowledgement of receipt of the complaint within 5 days of submitting the written complaint.
- B. In most situations, the Senior Director of Schools for the involved school, or the appropriate department supervisor, will be responsible for investigating and responding to the complaint at Step 1. The Superintendent may assign a different decision maker at Step 1 as appropriate.
- C. All formal complaints will receive a resolution in writing within 30 days of receipt of the complaint. The resolution will include information about the next steps in the complaint process.

APPEAL TO THE SUPERINTENDENT

If the issue is not resolved to the complainant's satisfaction, the complainant may request a review in writing by the Office of the Superintendent. The request for review shall be submitted in writing within 10 days of the complainant receiving notice of resolution from Step 1.

- A. The Superintendent or designee shall provide copies of the written decision to the complainant. The written decision shall include findings of fact, conclusions of law and legal basis for the decision as required by OAR 581-022-1941. The Oregon Department of Education has explained that "legal basis" and "conclusions of law" mean applying the statute, Oregon Administrative Rule or district policy applicable to the facts. All complaints appealed to the Superintendent will receive a resolution in writing within 30 days of receipt of the request for review. The Superintendent or designee will include information on the next steps in the complaint process.
- B. The decision of the Superintendent is the final decision. Upon receiving the Superintendent's decision, if the complainant wants to continue to appeal, the complainant may choose to either request an appeal to the Board.
- C.

Filing an Appeal

Appeal to the PPS School Board

If the complainant is not satisfied with the final decision of the Superintendent, the complainant may appeal in writing to the PPS School Board. The appeal will include the concerns and information in the original written complaint.

The Board will vote on the substance of the appeal within 30 days of the appeal. The Board will have the full written record of the appeal. The complainant may submit additional written information to the Board and may provide testimony during public comment. The Board shall decide that the Superintendent's final decision is:

- A. Affirmed and no further action will be taken; or
- B. Reversed and specific remedial action will be taken.

If the complainant is not satisfied with the decision of the Board, the complainant can file an appeal with the Oregon Department of Education (ODE) for complaints alleging violations of the Oregon Administrative Rules, chapter 581, division 22 (division 22 Standards), ORS 339.285 to 330.303 or OAR 581-021-0550 to 581-021-0570 (Restraint and Seclusion), ORS 659.850 (Discrimination), or ORS 659.852 (Retaliation).

Anonymous Complaints

If a complaint is filed with the name of the complainant, the district may not be able to assure confidentiality to complainants under this policy. However, PPS has engaged a confidential outside contractor to provide a hotline exclusively for confidential, anonymous complaints. [We should insert hotline information here.]

Other provisions

A. While some types of complaints may have additional legal or contractual requirements, all types of complaints must comply with the basic timelines and requirements contained in this policy.

B. The Superintendent shall avoid any conflicts of interest, or the appearance of conflicts of interest, in assigning the district representative to investigate and respond to a complaint.

C. Complainants may bring an advocate or support person to any meeting or proceeding.

D. The complainant and/or district may record any meeting as long as the attendees are notified that it will be recorded.

E. Retaliation against any person who files or participates in the complaint process is strictly prohibited. Retaliation is any action that would deter a reasonable person from participating in the process. Anyone who believes they have suffered retaliation should immediately report it to the Superintendent or PPS Board of Directors.

F. If the district fails to meet the timelines set forth in this process, the complainant may appeal to the PPS School Board or ODE. The timelines may be extended by the mutual consent of the complainant and the district, which is sometimes needed if there are many witnesses to interview

or key witnesses are unavailable because of holidays, medical leave, etc., or if a particular Board meeting does not work for the Complainant, for example.

G. As used in this policy, “days” will be counted as “calendar days.” Any period for response under this policy that falls on a weekend or legal holiday shall be extended to the next business day.

Complaints against members of the Board of Education

Board members are volunteers serving in an elected capacity and are accountable to the citizens in the Portland Public Schools district 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 chair who will refer these issues to appropriate governmental jurisdictions or a third party if a majority of the Board approves of the referral. Complaints related to ethics violations or violations of the law against the Board Chair should be made to the Board Vice-Chair(s) who will refer these issues to appropriate governmental jurisdictions or a third party if a majority of the Board approves of the referral. If a third party investigates a complaint, after the receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

Complaints submitted to school board members

School board members who receive formal complaints from constituents or staff shall forward the complaint to the Superintendent’s office or its designee. Board members shall forward informal complaints from constituents or staff or direct complainants to contact the appropriate school or department in order to address the concern. Complaints regarding performance of specific employees will be referred to the Chief Human Resources Officer for resolution through the appropriate personnel process as described in Policy ##.

FURTHER APPEAL RIGHTS

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) 581-002-004.0

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).