

Complaint Policy

4.50.030-P

~~11/10/22 Draft~~ 1/2323

We know that when families are engaged with their children's schools, children are more likely to have academic success, graduate from high school, develop self-confidence, and demonstrate strong social behaviors. When we put children at the center of our decisions and actions, we can deliver better experiences for all students and families. We also know that our school district can be complex and that families and students will have questions and sometimes concerns about our curriculum, classrooms, programs, and other experiences.

Portland Public Schools welcomes expressions of concern as opportunities to learn, clarify our intentions, and engage in continuous improvement to benefit all students. We welcome those conversations and expect that all adults, including PPS educators and other staff, will model our core values--including respect, relationships, honesty and integrity, collaboration, and a strong commitment to racial equity and social justice--when we have those conversations.

When a student or family has a concern, we encourage a direct conversation with the educator or department directly involved in the issue. There are many other District staff who may be able to help, too, including administrators who oversee specific schools or departments. The District also has a [District and Family Liaison](#), who can help families access information, connect with District staff, and help resolve concerns.

We also have ~~a several complaint~~ Formal Complaint processes for PPS students, families, and all who reside within the PPS District community. ~~This policy and the accompanying administrative directive describe that process in greater detail.~~ All parties to a District complaint ~~Formal Complaint~~ shall be treated and treat others with respect and dignity, and the District will provide support to those making complaints so that the process is welcoming, accessible, transparent, and reflects our strong commitment to racial equity and social justice. The District will resolve complaints as quickly as possible and in compliance with state law.

I. ~~Formal~~ **Formal Complaints: Accessibility; Training; and Annual Reports**

A. A full explanation of the complaint procedure, including all forms, shall be available at the District's administrative office and on the homepage of the District's website found [here](#).

1. District Complaints

The District has a common complaint form (hyperlink here) for complaints that will be addressed by specific departments within the District, such as concerns or complaints regarding enrollment and transfer, transportation, educational records, Title IX, and 504 accommodations. Complainants will receive a final written decision from the Superintendent's designee within 60 days of receipt of the complaint.

Complaints or reports about child abuse should be directed immediately to the Child Abuse hotline at 1-855-503-SAFE, as well as the PPS supervisor.

24. ~~Division 22~~ Formal Complaints

Formal complaints under the Oregon Department of Education's Division 22 regulations [insert link to ODE website] include those about instructional standards and practices (class size, curriculum, etc.), special education programs (but not individual complaints), health and safety, equitable education opportunities, sports safety, restraint and/or seclusion, bias or discrimination in education, retaliation against a student or parent/guardian, and failure to investigate complaints of bias.

If a complainant is not satisfied after exhausting ~~local~~ the District's complaint procedures, the District fails to render a written decision within 30 days of submission of the complaint at any step, or the District fails to resolve the complaint within 60 days of the initial filing of the complaint, complainants~~they~~ may appeal the District's final decision to the Oregon Department of Education. An appeal must meet the criteria found in OAR 581-002-0005(1)(a).

~~This policy provides a process for resolving complaints as required under Division 22 (Oregon Administrative Rule 581-022-2370), including, but not limited to, Division 22 complaints related to:~~

~~a) Instructional standards and practices~~

~~(1) Curriculum~~

- ~~(2) Teaching strategies~~
- ~~(3) Testing~~
- ~~(4) Counseling~~
- ~~(5) Class size~~
- ~~(6) Alternative education programs~~
- ~~(7) Instructional materials~~
- ~~(8) Compliance with state standards~~

- ~~b) Special education~~
- ~~c) Health and safety~~
- ~~d) Equitable education opportunities~~
- ~~e) Sports safety~~
- ~~f) Restraint and/or seclusion~~
- ~~g) Bias or discrimination in education~~
- ~~h) Retaliation against a student or parent/guardian~~
- ~~i) Failure to investigate complaints of bias~~

CBb) —Because Division 22 complaints can be an important indicator of the health of an organization, the Superintendent will provide to the Board at least annually data on trends, emerging issues, and district responses, as well as an assessment of the formal complaint process.

c) The District shall provide training for designated District staff on how to handle Formal Complaints under Division 22.

II. TIMELINES FOR ALL COMPLAINTS

A. 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:

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 limit 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

B. 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.

~~C. The receipt of a written complaint starts the 60-day timeline for resolution of complaints under this policy.~~

C. PPS accepts confidential anonymous formal complaints concerning Division 22 matters by email at anonymouscomplaints@pps.net and phone at 503-916- 3462. Those making complaints anonymously should provide as much information as possible when making the complaint. PPS will investigate any complaint, including anonymous complaints, as fully as it can.

III. **FILING A DIVISION 22 FORMAL COMPLAINT**

A. STEP 1:

1. The written complaint must be filed with the District's complaint coordinator by 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. 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 complaint.

2. All Division 22 Formal Complaints processed under this policy will receive a decision in writing that addresses each concern raised and contains reasons for the District's decision within 30 days of receipt of the complaint, unless the parties agree to extend the deadline.

and resolution the decision will include information about next steps in the complaint process. ~~The resolution will include information about next steps in the complaint process. District responses substantiating allegations raised in the complaint shall be considered final decisions and may be not be appealed to ODEthe Board.~~

~~3. PPS accepts confidential anonymous formal complaints concerning Division 22 matters by email at anonymouscomplaints@pps.net and phone at 503-916-3462. Those making complaints anonymously should provide as much information as possible when making the complaint. PPS will investigate any complaint, including anonymous complaints, as fully as it can.~~

IV. FILING AN APPEAL FOR OF A DIVISION 22 FORMAL COMPLAINTS UNDER DIVISION 22 DECISION

A. STEP 2: APPEAL TO THE PPS SCHOOL BOARD

If a Formal Complaint about a Division 22 matter is not substantiated the issue is not resolved to the complainant's satisfaction, the complainant may request a review by the PPS School Board. The request for review shall be submitted in writing within 10 days of the complainant receiving the decision in Step 1.

B. The Board will vote on the appeal within 30 days of the written request to appeal the District's Step 1 decision unless the parties agree to a longer time period. The Board will have the full written record of the decisions at Step 1. The complainant shall also have the full written record and any materials or information provided to Board members before the hearing about the complaint unless otherwise protected from disclosure by law.

District staff and the complainant shall exchange any other written background information they intend to present to the Board at the appeal hearing at least 24 hours before the hearing. If new information is offered less than 24 hours before the Board hearing, the complainant may ask for an extension of time.

Complainants may bring an advocate or support person to any meeting or proceeding. For hearings before the Board, the District will inform the complainant which PPS staff will be attending the hearing.

Because the Board makes the final decision at the Step 1 appeal, Board members should not knowingly initiate or continue contact with complainants about the topic of a complaint or independently investigate allegations in the complaint once they have notice that a Division 22 fFormal eComplaint has been filed. District staff will regularly notify Board members about new Division 22 fFormal eComplaints that are filed.

To make the process as fair and transparent as possible, the District will provide a written overview of the structure and format of the hearing to the complainant, the ability to submit additional material 24 hours before the hearing, as well as whether the session is open or closed to the public and/or media. The complainant may provide testimony when the complaint is heard. The Board shall issue a final decision after the hearing that the District's Step 1 decision is:

1. Affirmed and no further action will be taken;
2. Not affirmed~~Reversed~~ in whole or in part and may direct the Superintendent to take alternative steps or other courses of action. ~~To the extent the Board modifies the District's Step 1 decision, it will issue a final decision that addresses each concern raised in the complaint and contains reasons for the District's decision; or~~

With agreement from the complainant, the Board may hold the complaint in abeyance until a certain date or event.

The District will make all reasonable attempts to schedule a special meeting to consider the appeal of the Division 22 Formal Ccomplaint at a time that is convenient for the complainant. If, after multiple attempts and at least 90 days has passed since the appeal was made, it has not been

possible to coordinate a time for the meeting with the complainant, the Board may meet to consider the appeal on the written materials submitted and will give notice to the complainant that it is doing so.

The Board's final decision shall be communicated to the complainant in writing. If the complainant is not satisfied with the decision of the Board, the complainant can file an appeal with the [Oregon Department of Education \(ODE\)](#) as permitted by [OAR 581-022-2370\(4\)\(b\)](#) and [OAR 581-002-0005](#).

D. Other provisions

1. The District will provide translation and interpretation services and other reasonable accommodations to assist complainants ~~through the Formal Complaint process~~. Legal advice is not a resource provided by the District.
2. The District representative assigning staff to investigate and respond to a complaint shall avoid any conflicts of interest, or the appearance of conflicts of interest.
- ~~3. Complainants may bring an advocate or support person to any meeting or proceeding. For hearings before the Board, the District will inform the complainant which PPS staff will be attending the hearing.~~
4. Retaliation against any person who files or participates in ~~the~~ [the District](#) complaint process is strictly prohibited. Retaliation is any intentional 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.
5. The District will share with complainants as much information as possible about the findings of the investigation and will, in all cases, share the outcome of its investigation of complaints. However, PPS is often prohibited from disclosing specific information about disciplinary action taken against an employee or student involved in the complaint.
6. The Board will hear appeals of complaints that involve confidential student records in a session closed to the public and media unless the student or family requests the appeal be heard in a session open to the public.
- ~~7. If the District fails to meet the timelines stipulated in this policy, the complainant may appeal to the PPS School Board or to the Oregon Department of Education. The timelines may be extended by agreement between the complainant and the District. For~~

~~example, this may be needed if there are many witnesses to interview, key witnesses are unavailable because of holidays, medical leave, etc., or if a particular Board meeting does not work for the complainant.~~

8. 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.

9. The District may not be able to assure confidentiality of the names of persons who file complaints under this policy.

10. If a complaint alleges employee misconduct that is outside the scope of this policy, the complaint coordinator will notify the Superintendent in writing of that filing, and the District will endeavor to respond in a timely manner to the ~~complaint~~allegation.

11. Current and former employees may not bring a complaint under this policy regarding the terms, conditions, or status of their employment.

12. Complaints that have been previously filed by a complainant, investigated, and responded to and for which appeals have been exhausted or the time for appeal has expired cannot be refiled when the complaint is regarding a particular incident or issue that has already been addressed ~~through the Formal Complaint process.~~

~~13. Because the Board makes the final decision at the Step 1 appeal, Board members should not knowingly initiate or continue contact with complainants about the topic of a complaint or independently investigate allegations in the complaint once they have notice that a formal complaint has been filed. District staff will regularly notify Board members about new formal complaints that are filed.~~

E. Complaints against the Superintendent or members of the Board of Education

Any complaint about alleged individual misconduct by the Superintendent (but not District action for which the Superintendent may have ultimate responsibility as the chief executive officer of the District) shall be overseen by 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 receiving the results of the investigation, the Board shall decide, within 30 days, in open session what action, if any, is warranted.

F. Complaints submitted to members of the Board of Education

School board members who receive Division 22 ~~f~~Formal ~~e~~Complaints from constituents or staff shall forward complaints to the District's complaint coordinator. Board members shall forward all other ~~informal~~ complaints to the appropriate school or department in order to address the concern.

V. 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 a final decision by the District to the Deputy Superintendent of Public Instruction as outlined in Oregon Administrative Rule (OAR) 581--002-0005.

If the complaint alleges discrimination pursuant to ORS 659.850 (Discrimination in Education), a complainant may appeal a final decision by the District to the Oregon Department of Education or may file a complaint directly with the U.S. Department of Education without having to exhaust District procedures under this policy.

In addition to using the District complaint procedure, Special Education complaints may be made directly to the Oregon Department of Education. The complainant must send a copy of the complaint to the District and the Department of Education at the same time.

Adopted 11/2014; Amended 6/12/18, 6/15/2021, 7/12/2022, / /2023

Legal Reference(s):

[ORS 192.610](#)

to [192.690](#)

[ORS 332.107](#)

[ORS](#)

[339.285 to](#)

[339.383](#)

[ORS 659.852](#)

[OAR 581-022-2370](#)