



11/16/2020 Policy Committee Draft- Redline version

[DRAFT Alternative Preamble] 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. 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 [Family Resource Coordinator[1][2][3]], who can help families access information, connect with District staff, and help resolve concerns[4].

We also make available to students, families, and all who reside within the PPS community a Formal Complaint process. This policy and the accompanying administrative directive[5] describe that process in greater detail. All parties to a 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 accessible, transparent, and reflects our strong commitment to racial equity and social justice.

[CURRENT Preamble] Portland Public Schools recognizes students, parents/guardians, and all who reside within- the broader-PPS community as essential partners. in-the-educational process. These important partners must have the opportunity to make their concerns known to the dDistrict. 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, the District encourages members of the community to attempt to resolve concerns ~~should be resolved~~ informally through direct communication with the school or department ~~directly~~ involved ~~in the issue~~. If this approach does not resolve the concerns, the District provides a formal complaint process. ~~The Board intends that e~~The District will ~~Complaints should be~~ resolved complaints as ~~expeditiously~~ quickly 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 District's goal is to have a complaint process that is ~~must be implemented in a manner that is~~ accessible to, and welcoming of, all of our students, parents/guardians, and PPS community members. All parties to the complaint process will be treated, and will treat others, with dignity and respect.

I. ~~Administrative Directive creation and review; Types of Complaints; Annual reports; Transparency and a~~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 home page of the District's Conflict Resolution website found here _____.

1. Types of complaints

This policy provides a process for resolving complaints as required by Oregon Administrative Rule 581-022-2370 , including, but not limited to, 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^[6]^[7]

- ~~B. The Board of Education 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 to the Board for review. The Board further directs the Superintendent to make information regarding the complaint process shall be easily accessible to members of the school community ~~in a manner that is accessible and user-friendly~~, and to~~
- ~~C. The District shall provide training for building administration and designated District staff in the implementation of on how to handle formal complaints under this policy, as well as and the administrative directive 4.50.031-AD ~~insert number here~~. Since~~
- ~~A.D. Because complaints can be an important indicator of the health of an organization, the Superintendent will provide to the Board at least annually a document that provides data on trends and emerging issues, as well as an assessment of the functioning of the formal complaint process.~~
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 - ~~(3) Compliance with state standards~~~~
- ~~a) Special education~~
- ~~a) Health and safety~~
- ~~a) Equitable education opportunities~~
- ~~a) Sports safety~~
- ~~a) Restraint and/or seclusion~~
- ~~a) Discrimination in education~~
- ~~— Retaliation against a student or parent/guardian~~
- ~~b) Failure to investigate complaints of bias~~

II. TIMELINES

- A. In order to investigate a complaint while memories are recent and witnesses and documents are likely more available, a complaint ~~must~~may be filed 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 ~~d~~District, whichever is later.
- B. The time limitations for bringing formal complaints may be extended by the District for complaints ~~concerning~~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 90-day timeline for resolution of complaints under this policy.

III. FILING A COMPLAINT

A. STEP 1:

- 1. The written complaint must be filed with the District's complaint coordinator ~~via~~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 ~~written~~complaint. [The District will recognize complaints in multiple formats: the written complaint form, letter, or ~~through~~email~~\]~~\[8\]](#).
- 2. In most situations, a District leader for the involved school, or the appropriate departmental 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.
- 3. All formal complaints 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. The resolution will include information about the next steps in the complaint [process](#)~~]~~[9].

IV. FILING AN APPEAL

A. STEP 2: APPEAL TO THE SUPERINTENDENT

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

1. 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 concern raised and the reason for the decision and provide the written decision to the complainant, pursuant to OAR 581-022-2370. All complaints appealed to the Superintendent will receive a decision in writing within 30 days of receipt of the request for review. The ~~Superintendent or designee decision~~ decision will include information on the steps for further appeal under this policy.
2. Upon receiving the Superintendent's decision, if the complainant wants to continue to appeal, the complainant may appeal to the Board.

B. STEP 3: APPEAL TO THE PPS SCHOOL BOARD

The Board will vote on ~~the substance of~~ the appeal within 30 days of the written request to appeal the Superintendent's decision. The Board will have the full written record of the decisions at Step 1 and Step 2. ~~The District staff and the Complainant shall exchange all any other written background information they intend to present to the Board at the appeal hearing at least 24 hours before the hearing appeal is to be heard. If new information is offered after this period of time less than 24 hours before the Board hearing, the complainant may ask for an extension of time.~~ The complainant ~~may submit additional written information to the Board and~~ may provide testimony ~~during public comment when the complaint is heard.~~ The Board shall decide that the Superintendent's ~~final~~ decision is:

1. Affirmed and no further action will be taken; or
2. Reversed and may direct the Superintendent to take alternative steps or other course of action. To the extent the Board modifies the Superintendent's decision, it will issue a final decision that addresses each concern raised in the complaint and contains reasons for the District's decision.

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 581-002-000540.

C. ~~Anonymous~~ Other Types of Complaints

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.

~~For e~~ [Complaints about Sexual Conduct and Sexual Discrimination should be directed to ~~complainants should contact~~ the Title IX Department here.](#) [\[10\]](#) [\[11\]](#)

~~For e~~ [Complaints or reports about child abuse should be directed immediately ~~contact~~ to the Child Abuse hotline at 1-855-503-SAFE, as well as to a PPS supervisor.](#)

[More information about ~~on~~ conflict resolution and other resources](#) [\[12\]](#) [\[13\]](#) [\[14\]](#) [may be found here.](#)

D. Other provisions

1. [The District will provide ~~limited~~ the following resources to assist the complainants through the Formal Complaint process: ~~These include~~ Translation and interpretation services ~~are available to complainants~~, and other reasonable accommodations to ~~allow access to the process~~. ~~The provision of legal services or~~ Legal advice is not a resource ~~available through the provided by~~ the District.](#)

4.

2. ~~The District will provide resources for complainants who request assistance in preparing a written complaint. [REQUEST ASSISTANCE](#) A list of resources can be found [HERE](#)~~

3. The ~~Superintendent~~ [District](#) 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.

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

5. Retaliation against any person who files or participates in the 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.

6. 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. The Board will only hear complaints concerning students and employees in a closed session ~~and will not hear these types of complaints against employees in a session open to the public~~ unless ~~the~~ an employee or student/family requests an open session.

7. If the ~~d~~District fails to meet the timelines stipulated [15] ~~set forth in this process 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 ~~the mutual consent agreement between~~ of 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 ~~d~~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.
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, investigated, and responded to and for which appeals have been exhausted or the time for appeal has expired on behalf of the District and/or Board cannot be refiled when the complaint is regarding a particular n-incident or issue that has already been heard~~ addressed through the Formal Complaint process. per OAR XXXX.
13. Additional allegations offered during the Step 2 process will not be heard along with the original complaint. The person making the complaint will be informed that the allegation will not be addressed as part of the Step 2 response and that the allegation must be filed as a new complaint with the District’s complaint coordinator.
~~14.~~
- ~~15.~~14. Since Because the Board serves as the final decision maker at the Step 3 appeal venue of final appeal, Board members should not knowingly refrain from initiate or continue ing- or pursuing contact with complainants once a formal complaint has been filed or independently investigate allegations in the complaint.[16]

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

Any complaint about the Superintendent shall be reviewed 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 ~~school board~~ members of the Board of Education

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 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 ~~d~~District, or a person who resides in the ~~d~~District, may appeal a final decision by the ~~D~~istrict to the Deputy Superintendent of Public Instruction as outlined in Oregon Administrative Rule (OAR) 581-002-000540.

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 ~~d~~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 ~~simultaneous at the same time it to filing itth~~ complaint with and the Department of Education at the same time.

Adopted 11/2014; Amended 6/12/18, /2020

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](#)