

Madrone Trail Public Charter School Public Complaint Policy

Nothing in the Public Complaint Policy or Public Complaint Procedure is intended to supersede or alter the Complaint Procedure set forth in the Madrone Trail Public Charter School Personnel Handbook relating to the complaint procedure available to school employees regarding complaints concerning prohibited conduct as described in the Personnel Handbook. A school employee who believes he or she may have been subject to any job-related harassment based on a Protected Category or has other reason to believe that he or she has been treated in an unlawful, discriminatory or inappropriate manner, is encouraged to promptly report the incident in the manner set forth in the Personnel Handbook.

No staff member, student, parent of guardian of a student attending the public charter school or person that resides in the district where the public charter school is located will be denied the right to petition the school 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 administrator or one that involves Board actions or Board operations.

The complaint procedure is available at the public charter school's administrative office and on the home page of the public charter school's website.

The Board advises the public there is a proper process for resolving complaints, including but not limited to concerns in 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 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.

The complainant must follow the complaint procedure as outlined in administrative regulation KL-AR, Public Complaint Procedure.

Madrone Trail Public Charter School may offer mediation or another alternative dispute resolution process as an option if all parties to the complaint agree in writing to participate in such mediation or resolution.

Any complaint about public charter school personnel other than the director will be investigated by the director before consideration and action by the Board. The Board will not hear charges against employees in a session open to the public unless an employee requests an open session.

Complaints against the director may start at step three and may be filed with the Board president, on behalf of the Board.

Complaints against an individual Board member may start at step three and should be made to the Board president on behalf of the Board.

Complaints against the Board president may start at step three and be made directly to the Board vice president on behalf of the Board.

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 public charter school.

The director will develop and administer the complaint process, as appropriate.

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 and OAR 581-021-0870 (Restraint and Seclusion) or ORS 659.852 (Retaliation), and the complaint is not resolved through the complaint process, the complainant, who is a student, is a parent or guardian of a student who

attends the school or who is a person who resides in the district where the school is located, may have appeal rights with the Deputy Superintendent of Public Instruction as outlined in OAR 581-002-0040.

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/ACA-AR, Grievance Procedure for Discrimination and ADA Complaints, 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 192.610-192.690
ORS 338.115(2)
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).