

Uniform Complaint Procedure

This administrative rule sets forth specific procedures for the resolution of complaints by students, parents/guardians and people who reside in the district (“complainant”). The district is committed to resolving complaints in a fair and timely manner, treating all parties with respect, and ensuring that its process is accessible. The district will provide translation and interpretation services, and accommodations to complainant to facilitate access.

A. School/ Department-Based Problem Solving Process – Informal

Parents/ guardians, students and district staff work together frequently to problem solve issues and improve district processes with the goal of creating the best possible educational experience for students. This type of collaboration is often the most direct and effective way of resolving concerns. Although complainants can file a formal complaint at any time, they are encouraged to first engage in the problem-solving process outlined in this section.

If the concern relates to a classroom/ school:

1. The complainant is encouraged to first speak to the teacher or staff person involved.
2. If this direct communication does not resolve the concern, the complainant is encouraged to speak with the principal of the school. Administrators/ supervisors have 10 working days to respond to concerns, and to schedule a conference with the parent/ guardian if needed.
3. If the school administrator does not resolve the concern satisfactorily, you may send a written request to the administrator’s supervisor. The supervisor/ director has 10 working days to respond. For help identifying who that person is, you may ask the administrator or call the Superintendent’s office (541-790-7707).

If the concern relates to the district or district department:

1. The complainant is encouraged to first speak with the staff person involved, or the staff person with responsibility for the issue/ program area of concern. For help identifying who that person is, you may call the Superintendent’s office at 541-790-7707 or consult the list below:
 - Instruction 541-790-7550
 - Special Education 541-790-7800
 - Human Resources 541-790-7670
 - Transportation 541-790-7474
 - Facilities 541-790-7400
 - Nutrition Services 541-790-7656
 - Financial Services 541-790-7670
 - Communications 541-790-7707

- Technology 541-790-7770

2. If this direct communication does not resolve the concern, the complainant is encouraged to speak with staff member's supervisor or department director. Supervisors/ directors have 10 working days to respond, which may include an in-person conference.

If a complainant does not feel safe addressing a concern directly with an employee, the complainant may go directly to the employee's supervisor.

If a complainant is not able to resolve the concern through the problem-solving process described above, the complainant is encouraged to use the formal complaint process.

B. Formal Complaint Process

Because most concerns are resolved through the informal, problem-solving process outlined above, the district encourages use of that process before the filing of a formal written complaint. Using the informal, problem-solving process is optional, however, and a formal complaint may be filed at any time using the process below.

The district's receipt of a formal written complaint starts the 90-day completion timeline for purposes of state law. The complaint process at the district level begins at Step 1. If the concern is not resolved at this level, the complainant may proceed to Step 2, which is the final level of appeal within the district. As explained below, the complainant may appeal some final decisions of the district to the Oregon Department of Education. Below are the steps in the formal complaint process.

Step 1 -- District Level

1. A complaint form is available on the district's website at 4j.lane.edu/complaints and upon request from the Superintendent's Office. Complete this form and submit it to the Superintendent's Office. The Office of the Superintendent will acknowledge receipt of your complaint within ten calendar days of receiving it.
2. In most situations, the complaint will be referred to the Director overseeing the involved school or department, who 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. When applicable, the Director or other assigned decision maker will consult with district legal counsel about relevant district policy and law.
4. All formal complaints will receive a final written response and decision within 30 calendar days of receipt of the complaint. The response will include information about the next step in the complaint process.
5. Responses to complaints alleging a violation of Oregon Administrative Rules Chapter 581, division 22 (State Standards), ORS 285.285 to 330.303 or OAR 581-021-0050 to 581-021-0570 (Restraint and Seclusion), ORS 659.850 (Discrimination), or ORS 659.852 (Retaliation) must address each allegation in the complaint and contain reasons for the district's decision.

Step 2 – Superintendent Level

If the issue is not resolved to the complainant's satisfaction at Step 1, the complainant may request a review in writing by the Office of the Superintendent.

1. The request for review shall be submitted in writing within 10 calendar days of the complainant receiving the Step 1 written decision. It may be submitted in letter or email form. The request for review should state the nature of the complaint, the remedy being requested, and describe why the complainant believes the Step 1 decision is incorrect or insufficient. It should also include a copy of the written complaint and response at Step 1.
2. The Superintendent or designee will review the record and any additional information that he or she may request. The Superintendent or designee may choose to meet with involved parties.
3. If new concerns are raised at Step 2, the Superintendent or designee may refer the new concern back to Step 1. The original concerns already addressed at Step 1 will continue to proceed through Step 2. If significant new information that would have changed the outcome of the investigation at Step 1 is introduced at Step 2, the Superintendent or designee may refer the complainant back to Step 1 for dispute resolution, or may investigate the matter at Step 2.
4. Following the review, the Superintendent or designee shall decide that no substantial evidence exists and no further action will be taken in response to the complaint, or that specific action will be taken in response to the complaint.
5. The Superintendent or designee will issue a written decision via letter or email within 30 calendar days of receipt of the appeal to Step 2.
6. When a complaint processed under administrative rule KL-AR alleges a violation of OAR Chapter 581, Division 22 (Standards), ORS 339.285 to 339.383 or OAR 581-021-0550 to 581-021-0570 (Restraint and Seclusion) or ORS 659.852 (Retaliation), the final decision will address each allegation in the complaint and contain reasons for the district's decision.
7. The Superintendent's decision at Step 2 constitutes the final decision of the district, unless district rule or policy provides otherwise.

C. Appeal

The district's final decision of a complaint processed under KL-AR that alleges a violation of OAR Chapter 581, Division 22 (Standards), ORS 339.285 to 339.383 or OAR 581-021-0550 to 581-021-0570 (Restraint and Seclusion) or ORS 659.852 (Retaliation), may be appealed to the Deputy Superintendent of Public Instruction as further provided in OAR 581-002-0040. A decision is final when: (1) The complainant has exhausted this complaint procedure and a final, Step 2 decision has been issued; (2) the district has failed to render a written decision within 30 days of the submission of the complaint at either Step 1 or Step 2; or (3) the district has not resolved the complaint within 90 days of the initial filing of the formal complaint, unless the district and complainant have agreed in writing to a longer time period.

The Eugene School District 4J does not determine which complaints the Oregon Department of Education will review.

D. Miscellaneous

1. The timelines above may be extended by mutual agreement.
2. The district is committed to ensuring access to the complaint process. If a complainant would like to proceed with a written complaint but is unable to submit it in writing due to disability, illiteracy, or otherwise, district staff will assist the individual in writing the information. The district will ensure that interpretation and translation services are available to complainants in need of such services.
3. Complainants may file formal complaints on their own behalf, or on behalf of their enrolled student, or about district policies or practices. Complainants cannot file complaints on behalf of another person or student.
4. These complaint procedures do not apply to certain types of complaints. When the district has other policies or administrative rules that require a specific complaint resolution or appeal process, those specific rules will apply rather than the general complaint procedure. Complaints about one or more of the following issues should be addressed using the complaint process available in the following policies, administrative rules and procedures:
 - a. Instructional materials: Board policy IIA; Administrative Rule IIA-AR
 - b. Talented and gifted (TAG) programs and services: Board policy IGBBC; Administrative rule IGBBC-AR
5. If a formal complaint raises concerns that a specific employee engaged in misconduct, the Superintendent's office will ensure that the Human Resources Director is notified so that the complaint may also be processed through the appropriate personnel process and in accordance with the collective bargaining agreement applicable to the employee. Allegations of employee misconduct are taken seriously and will be investigated.
6. No district employee, volunteer, student, or board member may engage in retaliation against any person who files or participates in the complaint process. Any employee or student who engages in any form of retaliation against a person is subject to discipline.
7. In appropriate cases, the Superintendent may refer a Step 2 complaint to the Board for review and final decision at Step 2, which decision shall be made within 30 calendar days of receipt of the Step 2 request for review. In such a case, the Board will be provided with a copy of the complaint record, and may be provided with the Superintendent's Step 2 recommendation together with any written reply of the complainant. The Board will decide in open session what action, if any, is warranted, which decision shall be communicated to the complainant in writing. The Board's decision is the final decision, and may be appealed to the Deputy Superintendent of Instruction as provided by law.
8. A person wishing to make a formal complaint against the Superintendent should complete the complaint form and present it to the Board chair on behalf of the Board. The Board chair shall present the complaint to the Board. The Board may refer the complaint to a third party for investigation and presentation of investigation results to the Board. Within 90 calendar days of

receipt of the complaint, the Board will decide in open session what action, if any, is warranted, which decision shall be communicated to the complainant in writing.

9. A person wishing to make a formal complaint against the Board as a whole or against an individual Board member should present the completed complaint form to the Board chair on behalf of the Board. The Board chair shall present the complaint to the Board. The Board may refer the complaint to a third party for investigation and presentation of investigation results to the Board. Within 90 calendar days of receipt of the complaint, the board will decide in open session what action, if any, is warranted, which decision will be communicated to the complainant in writing. The Board chair shall provide the complainant a written response to the complaint. Complaints against the Board chair may be made directly to the Board vice chair on behalf of the Board.