

MITCH Charter School

Code: KL-AR(1)

Revised/Reviewed: 7/20/23

Public Complaint Procedure

A parent or guardian of a student attending the public charter school, a staff member, a student or patron of the public charter school who wishes to express a concern should discuss the matter with the public charter school employee involved. If the concern remains unresolved, a complaint may be filed.

An individual or organization that alleges the public charter school is violating or has violated provisions of restraint or seclusion in Oregon Revised Statute (ORS) 339.285 - 339.303 or Oregon Administrative Rule (OAR) 581-021-0550 - 581-021-0570 (Restraint or Seclusion) is encouraged to initiate Step One of this complaint procedure and file a complaint with the executive director.

The Executive Director: Step One

A complainant may file a complaint with the executive director clearly stating the nature of the complaint and a suggested remedy. A form is available, but is not required.

The executive director shall investigate the complaint, confer with the complainant and the parties involved, prepare a report of the findings and conclusion, and provide a report in writing or in an electronic form to the complainant within 10 working days of receipt of the complaint.

The Board: Step Two

If the complainant is dissatisfied with the executive director's findings and conclusion, the complainant may appeal the decision to the Board within five working days of receiving the executive director's decision. The Board will review the findings and conclusion of the executive director in a public meeting to determine what action is appropriate. The Board may use executive session if the subject matter qualifies under Oregon law. Appropriate action may include, but is not limited to, holding a hearing, requesting additional information, and adopting the executive director's decision as the public charter school board's decision. All parties involved may be asked to attend such hearing for the purposes of making further explanations and clarifying the issues.

The complainant shall be informed of the Board's decision within 30 days from receipt of the appeal by the Board. The Board's decision will address each allegation in the complaint and contain reasons for the Board's decision. The Board's decision will be final.

If the Board chooses not to hear the complaint the executive director's decision is final.

The complaint procedure will not be longer than 90 days from the filing date of the original complaint with the executive director. The timelines may be extended upon written agreement between the public charter school and the complainant.

Complaints against the executive director should be filed with the Board chair on behalf of the Board. The Board chair shall present the complaint to the Board in a Board meeting. If the Board decides an

investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. The Board shall decide in open session what action, if any, is warranted. The written final decision of the Board regarding the complaint shall be issued by the Board within 30 days of receipt of the complaint.

Complaints against the Board as a whole or against an individual Board member should be referred to the Board chair on behalf of the Board. The Board chair shall present the complaint to the Board in a Board meeting. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board shall decide in open session what action if any, is warranted. The written final decision of the Board regarding the complaint shall be issued by the Board within 30 days of receipt of the complaint.

Complaints against the Board chair should be referred directly to the Board vice chair on behalf of the Board. The Board vice chair shall present the complaint to the Board in a Board meeting. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete the results will be presented to the Board. The Board shall decide in open session what action, if any, is warranted. The written decision of the Board regarding the complaint shall be issued by the Board within 30 days of receipt of the complaint.

Appeal Process

A final decision reached by the public charter school board for a complaint that alleges a violation of ORS 339.285 - 339.303 or OAR 581-021-0550 - OAR 581-021-0570 (Restraint or Seclusion), ORS 659.852 (Retaliation), or applicable OAR Chapter 581, Division 22 (Division 22 Standards), may be appealed to the board of Tigard-Tualatin School District. The complainant may file such appeal with the superintendent of the school sponsor. A final decision reached by the Board of the school sponsor will be the district's final decision and may be appealed to the Oregon Department of Education under OAR 581-002-0003 - 581-002-0005.