Complaints and Appeals to ODE

OSBA Annual Conference 2015
Complaints and Appeals to ODE

• IDEA – Mike.Franklin@state.or.us

• 504 – Winston.Cornwall@state.or.us

• Civil Rights – Winston.Cornwall@state.or.us

• Charter Appeals – Kate.Pattison@state.or.us

• Division 22 Appeals (including restraint and seclusion and retaliation) – Emily.Nazarov@state.or.us
Complaints to others

- US Department of Education
  - Ex: sharing student information in violation of FERPA
- Bureau of Labor and Industries (BOLI)
  - Ex: supervisor harassment or retaliation
- Teacher Standards and Practices Commission (TSPC)
  - Ex: complaint against a specific educator
- Local School Board
  - Ex: homework policy; placement of a specific principal
Division 22 Appeals

• Appeal Procedure: OAR 581-022-1940

• ODE has appeal authority over a final decision by a school district where the complainant alleges:
  • Violation of a Division 22 standard; or
  • Violation of a statute or rule that gives ODE appeal authority

• Appeal can be filed by a person who resides in the district or by a parent or guardian of a student who attends school in the district.
Division 22 Appeals

• Appeal must:
  • Be in writing with required contact information;
  • Allege violation of a Division 22 standard or other statute or rule for which ODE has appeal authority; and
  • Appeal a final decision by the district

• Standard for allegations of violation:
  • If the complaint alleges facts which if true would constitute a violation of a standard, the appeal will be accepted
Division 22 Appeals

- “Final decision”
  - Look to the district’s complaint policy
  - A decision is deemed final if the district failed to meet procedural time limits

- ODE will provide notice of the determination to the complainant and the school district.
  - Rejection = a final order
Division 22 Appeals

• District is required to provide a response within 30 days
  • A statement of facts;
  • A statement of district action taken in response to the complaint;
  • Information on any settlement of the complaint; and
  • Similar complaints filed with other agencies.

• ODE has 60 days to investigate and issue a final order

• Parties can ask ODE for reconsideration or appeal the order in circuit court
Division 22 Appeals

- Final order will include any necessary corrective action to be undertaken by the district

- Corrective action plans must be adopted by the local school board and submitted to Deputy Superintendent for approval within 90 days of final order

- Corrective action must be completed by the beginning of the following school year; extension may be granted

- If corrective action is completed on time, district is restored to “standard school” status; if not, ODE may withhold state school funds