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Kate Brown, Governor



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Colt Gill

Director of the Oregon Department of Education

January 2, 2023

BY EMAIL

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Interim Superintendent Kathleen Stauff
Myrtle Point School District
717 4th Street
Myrtle Point, OR 97458
kathleenstauff@mspd.k12.or.us

RE: Case #2022-MM-11

Dear REDACTED and Interim Superintendent Kathleen Stauff:

This letter is the final order on the July 13, 2022, appeal filed by REDACTED (Complainant) alleging that Myrtle Point School District violated OAR 581-022-2370 (requiring school districts to establish a process for the prompt resolution of complaints).

To ensure compliance with these rules, the Oregon Department of Education has reviewed school district procedures and made findings of fact to determine whether a violation occurred and what action, if any, should be taken.¹

**APPELLATE PROCEDURES FOR COMPLAINTS
ALLEGING VIOLATIONS OF DIVISION 22 STANDARDS**

Complainant alleges that Myrtle Point School District failed to properly process a complaint previously filed against the district by another complainant (Complainant B).

¹ The administrative rules governing the Oregon Department of Education's appeals process are OAR 581-002-0001 to 581-002-0023.

The Oregon Department of Education has jurisdiction to resolve this appeal under OAR 581-002-0003. When a person files with the department an appeal of a complaint alleging a violation of a rule codified in Oregon Administrative Rules Chapter 582, Division 22 (Division 22 standard), the department will initiate an investigation to determine whether the violation may have occurred.²

If the department determines that the violation did not occur, the department must issue a final order as described in OAR 581-002-0017.³ The Director of the Oregon Department of Education may for good cause extend the time by which the department must issue an order.⁴

If the department determines that the violation may have occurred, the department must issue a preliminary final order to the complainant and the school district.⁵ The preliminary final order must include a reference to the district decision that is on appeal, the procedural history of the appeal, the department's preliminary findings of fact, and the department's preliminary conclusions.⁶

If the department issues a preliminary final order, the complainant and school district must attempt to reach an agreement on how to resolve the matter through conciliation.⁷ If the parties do not reach an agreement through conciliation, the department will issue a final order as described in OAR 581-002-0017.⁸ The final order must include a reference to the district decision that is on appeal, the procedural history of the appeal, the department's findings of fact, the department's conclusions, and a short explanation of any corrective action required by the school district.⁹

In this appeal, the department has completed its investigation, finding the district deficient, and the parties have failed to resolve the matter through conciliation. This letter constitutes the department's final order as to whether the district is violating a Division 22 standard.

PROCEDURAL BACKGROUND

On May 13, 2022, Complainant filed a complaint with Myrtle Point School District's Board of Directors. The board took action on the complaint on June 15, 2022. That same day, the board sent a letter to Complainant, stating that the board previously had investigated the allegations and concluded that "there was no violation of the law[.]" Complainant subsequently filed an appeal with the Oregon Department of Education on July 13, 2022. The department accepted the complaint under OAR 581-002-0005(1)(a)(A), under which the department must accept a complaint on appeal if a complainant has exhausted a school district's complaint process.

² OAR 581-002-0009.

³ OAR 581-002-0009(3)(a)(B).

⁴ OAR 581-002-0009(3)(b).

⁵ OAR 581-002-0009(3)(a)(A).

⁶ *Id.*

⁷ OAR 581-002-0011.

⁸ OAR 581-002-0011(8).

⁹ OAR 581-002-0017(2).

On October 22, 2022, the department issued a preliminary final order finding the district may have violated OAR 581-022-2370. In that order, the department found that

Myrtle Point School District is deficient on a single ground: that step three of the district's complaint process does not provide [a] definitive timeline[] by which the district will [resolve a complaint].

On the basis of that finding, the department ordered Complainant and the district to attempt to resolve the matter through conciliation. On November 21, 30 days after the date on which the department issued its preliminary final order, the department received information that the district and Complainant failed to conciliate.

The department is issuing this final order pursuant to OAR 581-002-0011(8), under which the department will issue a final order if a district and a complainant fail to conciliate.

FINDINGS OF FACT

For purposes of this appeal, the Oregon Department of Education adopts the findings of fact of the preliminary final order issued for Case #2022-MM-11. Additionally, the department finds the following:

1. On November 9, 2022, the department received evidence from Myrtle Point School District that it amended step three of its complaint process to specify that its school board would issue a decision within 30 days of receiving a complaint.

ANALYSIS

For purposes of this appeal, the Oregon Department of Education adopts the analysis of the preliminary final order issued for Case #2022-MM-11. However, after the issuance of that order, Myrtle Point School District amended its complaint procedure to specify the time period during which its school board would issue a decision after receiving an appeal of a complaint. The district now has a policy that specifies the time period during which a complaint will be resolved. On the date of this order, the district is in compliance with OAR 581-022-2370.

CONCLUSION

In conclusion, the Oregon Department of Education finds that on the date of this order, Myrtle Point School District is in compliance with OAR 581-022-2370.

Case #2022-MM-11 is closed.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in grey ink, appearing to read 'M. Mayer', is centered below the word 'Sincerely,'.

Mark Mayer, Complaint and Appeals Coordinator
Office of the Department
Mark.Mayer@state.or.us