

# OREGON DEPARTMENT OF EDUCATION COMPLAINT AND APPEAL PROCESS

This document provides a visual overview of the appeals process for discrimination complaints and appeals. See [www.oregon.gov/ode/about-us/Pages/Complaints.aspx](http://www.oregon.gov/ode/about-us/Pages/Complaints.aspx) for more information regarding Division 22 standards, restraint and seclusion, or retaliation.

## COMPLAINT SUBMITTED

ODE accepts complaint of discrimination on appeal. See [www.oregon.gov/ode/about-us/Pages/Complaints.aspx](http://www.oregon.gov/ode/about-us/Pages/Complaints.aspx) for more information

### ODE UNABLE TO ACCEPT COMPLAINT

ODE may not be able to accept a complaint due to timeliness, procedural error, or other reasons. Complainant is notified in writing within **14 DAYS**.

### ODE ACCEPTS COMPLAINT

Complainant and District notified in writing within **14 DAYS**.

## DISTRICT RESPONSE

Within **30 DAYS\*** of receiving notice that ODE has accepted a complaint, the District must provide a written response.

## INVESTIGATION

Within **90 DAYS\*** of receiving the District response, ODE conducts an investigation and determines whether a violation of rule/law more than likely did or did not occur. At any time during the investigation, or prior to the issuance of a Final Order, the District may voluntarily admit deficiency and move directly into remediation. See OAR 581-002-0023 for more information.

### ODE FINDS A VIOLATION DID OCCUR

ODE issues a Preliminary Order, and District and Complainant enter into **CONCILIATION**.

### ODE FINDS A VIOLATION DID NOT

**OCCUR** ODE issues a Notice closing the appeal or Issue a **FINAL ORDER**.

see **CONCILIATION** on next page

*Updated 11/22/2023. This document should not be construed as legal advice. This document should not be considered comprehensive or exhaustive; see [oregon.gov/ode](http://oregon.gov/ode) for links to the latest laws, rules, and policies.*

*For questions about this process call 503-947-5600 or contact:  
Complaint and Appeals team, at [ODE.Appeals@ode.oregon.gov](mailto:ODE.Appeals@ode.oregon.gov)*

## CONCILIATION

Conciliation is an alternative out-of-court dispute resolution process. Like mediation, conciliation is a voluntary, flexible, confidential, and interest-based process. When conciliating, the parties seek to reach a conciliation agreement about how to settle the case with the assistance of a conciliator, who acts as a neutral third party.\*\*

- The conciliation period may not be longer than **30 DAYS\*** unless the complainant and the school district agree, in writing, to a longer time period.
- The school district may not have an attorney present during conciliation unless the complainant is accompanied by an attorney.
- Upon request, the Department will provide technical assistance to support the conciliation process.

*\*\*At any time during this process, the complainant or school district may communicate to the Department that they no longer wish to negotiate an agreement and the conciliation period ends.*



### CONCILIATION AGREEMENT NOT REACHED

ODE issues a **FINAL ORDER** based upon the conclusions of the Preliminary Order. The Order may include remedies or terms the District must comply with.

### CONCILIATION AGREEMENT REACHED

ODE supervises the fulfillment of the agreement. The Parties must follow the terms in the conciliation agreement.



### CONCILIATION AGREEMENT NOT FULFILLED

ODE issues a **FINAL ORDER**. The Order may include remedies or terms the District must comply with.

### CONCILIATION AGREEMENT FULFILLED

ODE issues a letter closing the complaint.

## RECONSIDERATION

Within **60 DAYS** of receiving a Final Order, a complainant or District may request reconsideration from ODE.

## JUDICIAL REVIEW

Within **60 DAYS** of either receiving a Final Order **OR** receiving a denial of reconsideration, a complainant or a school district may seek judicial review of the Department's final order by filing a petition for review with the Marion County Circuit Court or with the circuit court in the county where petitioner resides.

\*Timelines may be extended for good cause at the request of Complainant, District, or ODE.

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