

Code: **ACB-AR**
Adopted: January 13, 2021

The Cottonwood School Bias Incident Complaint Procedure

The term “bias incident” is defined in policy ACB. Persons impacted by a bias incident shall be defined broadly to include individuals at whom an incident was directed as well as students in the larger school community likely to be impacted by the incident.¹

- Step 1: When a staff member learns of a potential bias incident, the staff member will prioritize the safety and well-being of all persons impacted and without unreasonable delay report the incident to the Executive Director.
- Step 2: The Executive Director shall acknowledge receipt of the complaint, reduce the complaint to writing, and investigate any complaint of a bias incident. The Executive Director will recognize the experience of all persons impacted, acknowledge the impact, commit to taking immediate action, and prevent further harm against those persons impacted from taking place. Redirection procedures, if any, will include:

- Educational components that address the history and impact of hate;
- Procedural components to ensure the safety, healing, and agency of those impacted by hate;
- Accountability and transformation for people who cause harm; and
- Transformation of the conditions that perpetuated the harm.^{2}

The Executive Director must consider whether the behavior implicates other Cottonwood policies or civil rights laws, and if so, respond accordingly.

The Executive Director will make a decision and determine responsibility within 10 school days of receiving the complaint. (When necessary, this timeline may be adjusted by communicating to all parties in writing. This communication will include a new timeline and an explanation of why the timeline is adjusted. In no event will this timeline exceed the date by which a complainant may appeal to the Deputy Superintendent of Public Instruction, as noted below.)

All persons impacted will be provided with information relating to the investigation and the outcome of the investigation. At a minimum, the information provided must include:

- That an investigation has been initiated;

¹ The term “complainant” in this administrative regulation includes persons filing formal complaints and persons reporting bias incidents, regardless of whether the complainant is a victim. Similarly, the term “complaint” includes any report, information or complaint.

² {ODE will be releasing additional guidance to support administrators in these situations.}

- When the investigation has been completed;
- The findings of the investigation and the final determination based on those findings; and
- Actions taken with the person or persons who committed the harassing behavior to remedy the behavior and prevent reoccurrence when the actions relate directly to a person impacted by the event.

If any of the above information cannot be shared, a citation to the law prohibiting release and an explanation of how that law applies to the current situation will be provided.³

Step 3: If the complainant or respondent is not satisfied with the decision of the Executive Director, a written appeal may be filed with the Board within fiveschool days of receipt of the Executive Director’s response to Step 2. The Board may decide to hear or deny the request for appeal at the next Board meeting. The Board may use an executive session if the subject matter qualifies under Oregon law. If the Board decides to hear the appeal, the Board may meet with the concerned parties and their representative at a Board meeting. The Board’s decision will be final and will address each allegation in the complaint and contain reasons for the Board’s decision. A copy of the Board’s final decision shall be sent to the complainant in writing within 10 days of this meeting.

The Board will ensure that the requirements in Steps 1 and 2 (redirection procedures, notice, etc.) are continued to be met through Step 3, as appropriate.

When necessary, timelines of the Board’s response may be adjusted by the Board by communicating to all parties in writing. This communication will include a new timeline and an explanation of why the timeline is adjusted. In no event will this timeline exceed the date by which a complainant may appeal to the Deputy Superintendent of Public Instruction, as noted below.

Complaints can be filed with or communicated directly to the Executive Director, in which case Step 1 will be skipped. Complaints against the Executive Director can be directed to the Board Chair and will begin at Step 3. Complaints against the Board Chair can be directed to the Board and will begin at Step 3. Complaints against a Board member(s) can be directed to the Board and will begin at Step 3. If complaints begin later than Step 1, the individuals reviewing the complaint will ensure that all requirements are met.

The complainant, if a person who resides in the district, a parent or guardian of a student who attends the public charter school, or a student, is not satisfied after exhausting complaint procedures, the public charter school fails to render a written decision within 30 days of submission of the complaint at any step or fails to resolve the complaint within 90 days of the initial filing of the complaint, may appeal⁴ Cottonwood’s final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023.

³ Refer to policies JOA - Directory Information and JOB - Personally Identifiable Informaton and public charter school legal counsel for guidance in these situations. Possible laws include, but are not limited to, Title 34 C.F.R. § 99.31 and ORS 342.850.

⁴ An appeal must meet the criteria found in OAR 581-002-0005(1)(a).

Complaints may also be filed directly with the U.S. Department of Education Office for Civil Rights.⁵

The Cottonwood School administration will develop and implement instructional materials to ensure that all school employees and staff are made aware of this procedure and related practices. The materials will include reporting procedures, educational processes, and possible consequences.

⁵ Complaints must meet criteria as established by law. For more information, visit <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>