



State of Oregon Position Description

Company: Oregon Department of Education
Organization: Complaint & Appeals Resolution - ODE
Service Type:

SECTION 1. POSITION INFORMATION

Job Profile Title:	Compliance Specialist 3	Job Profile ID:	5248
Business Title:	Compliance Specialist 3 - Investigations & Complaints (Unfilled)	Position ID:	000000170035
Employee Name:		Company ID:	58100
Representation:	OAS	Budget Auth No:	1440358
Location:	Salem ODE Public Service Building		
Supervisor:	Stacey Guise (Legal Dispute and Resolution Manager 2)		
Position:	Compliance Specialist 3		
Time Type:	Full Time		
FLSA:	Non Exempt		
Exempt Reason:			
Overtime Eligible:	Yes		
Employee Type:	Permanent		

SECTION 2. JOB DESCRIPTION SUMMARY

Describe the program in which this position exists. Include program purpose, who is affected, size, and scope. Include relationship to agency mission.

The Oregon Department of Education (ODE) oversees the education of students in Oregon's public K-12 education system. ODE encompasses early learning, public preschool programs, the state School for the Deaf, regional programs for children with disabilities, and education programs in Oregon youth corrections facilities. While ODE isn't in the classroom directly providing services, the agency (along with the State Board) focuses on helping districts achieve both local and statewide goals and priorities through strategies such as: developing policies and standards, providing accurate and timely data to inform instruction, training teachers on how to use data effectively, effectively administering numerous state and federal grants; sharing and helping districts implement best practices. At the Oregon Department of Education, we are guided by the following values: integrity, accountability, excellence, and equity.

This position is located in the Complaint and Appeal Resolution Unit, which is part of the Government and Legal Affairs team, in the Office of the Director.

The Director is the administrative head of the Oregon Department of Education and the Deputy Superintendent of Public Education. The Director provides leadership and oversight to Oregon's pre-kindergarten to grade 12 education system; is the chief executive officer for the State Board of Education; and provides direction for the School for the Deaf and Juvenile Corrections Education Programs. The Director's duties are further defined in ORS 326.310. The department's mission is to foster equity and excellence for every learner through collaborations with educators, partners, and communities.

The Government and Legal Affairs Team works across the agency and with outside parties to carry out the education mission and goals of the State Board of Education and the priorities of the Governor as the Superintendent of Public Instruction. The team consists of 32 members and includes three work units: Civil Rights, Complaint and Appeals Resolution, and Reports and Investigations of Sexual Conduct Unit.

The Government and Legal Affairs Manager serves on the agency's executive leadership team, provides strategic advice and leadership for the agency, proactively and strategically mitigates legal risk for agency, and provides leadership to the Government and Legal Affairs Team. The Government and Legal Affairs Manager co-manages the administrative rules process for the agency, and is responsible for ensuring all rule requirements are met, including consistency with agency and legislative policies, timelines, and legal sufficiency. The Government and Legal Affairs Manager also provides support for the Fair Dismissal Appeals Board (FDAB). The FDAB hears appeals of teacher and administrator dismissals. The FDAB consists of 24 members appointed by the Governor and confirmed by the Senate. The Government and Legal Affairs manager ensures the provision of legal support, policy analysis, and administrative support to the Fair Dismissal Appeals Board. This includes management of administrative rules process for the FDAB.

The Civil Rights Unit provides leadership, training, and technical assistance on state and federal laws prohibiting discrimination in K-12 public education, including but not limited to:

- Title VI of the Civil Rights Act of 1964;
- Title IX of the Education Amendments Act of 1972;
- Section 504 of the Rehabilitation Act of 1973 and Title II of the ADA (Americans with Disabilities Act);
- Every Student Belongs;
- The CROWN Act; and
- Abbreviated School Day Programs and Section 504.

This team provides training and technical assistance for Civil Rights Coordinators under ORS 332.505(2) and OARs 581-021-0650, 581-021-0655, and 581-021-0660. The team also assists members of the school community, including students and families of students, who may have experienced discrimination in understanding, accessing, and navigating local (school or district), state, and federal dispute resolution processes to ensure that instances of discrimination are addressed appropriately and efficiently.

The Complaints and Appeals Resolution Unit administers the agency's formal complaint resolution processes for discrimination in public education, restraint and seclusion, retaliation, religious entanglement, determinations of nonstandard status under ORS 343.328 (Abbreviated School Day Programs), and Division 22 standards.

The Reports and Investigations of Sexual Conduct Unit investigates reports of suspected sexual conduct that involve a student and an individual who is a school employee, contractor, agent, or volunteer who is not licensed with the Teacher Standards and Practices Commission (TSPC). The team also provides verification information to education providers when they are hiring an individual as a school employee or bringing on a contractor, agent, or volunteer to provide services in schools.

b. Describe the primary purpose of this position, and how it functions within this program. Complete this statement. The primary purpose of this position is to:

The primary purpose of this position is to make determinations on complaints and appeals filed with ODE alleging discrimination, restraint and seclusion, retaliation, religious entanglement, determinations of nonstandard status under ORS 343.328 Abbreviated School Day Programs, and Division 22 Standards. The position will be responsible for complaints and appeals throughout the entire process, including determining whether the complaint or appeal falls within ODE's authority, setting the scope for and overseeing the investigation, determining the founded facts, identifying the legal issues, identifying violations of state and federal civil rights laws, understanding and applying the applicable law, designing corrective action that is specifically designed to address the unique deficiency, and working with DOJ to protect the agency's order on judicial review. This position works in close collaboration with the Civil Rights Unit to ensure ODE's interpretation and application of state and federal civil rights laws is aligned and consistent across programs.

SECTION 3. JOB DESCRIPTION

List the major duties of the position. State the percentage of time for each duty. Mark "N" for new duties, "R" for revised duties or "NC" for no change in duties. Indicate whether the duty is an "essential" (E) or "Non-Essential" (NE) function.

70% - NC E - COMPLAINTS AND APPEALS PROGRAM

Administer the Department's formal complaint resolution processes for discrimination, restraint and seclusion, retaliation, religious entanglement, determinations of nonstandard status under ORS 343.328 (Abbreviated School Day Programs), and Division 22 standards.

- Review filed complaints and appeals and determine whether the allegations fall within the department's authority. Draft notices accepting or denying complaints and appeals.
- Determine scope and method of investigation, including whether to investigate complaints or assign to a contracted investigator. Investigate the complaint or appeal or direct the work of the assigned investigator. Ensure investigations are thorough and high quality.
- Review investigation findings and all evidence in the investigation file.
- Conduct legal research and analysis using statutes, administrative rules, case law, legislative history, federal guidance, and previous agency rulings.
- Prepare determination, including findings of fact, an explanation of the applicable legal authority, an application of the legal authority to the facts, and a final determination as to compliance.
- Where there is a determination of noncompliance, design corrective action that is specifically tailored to address the unique deficiency.
- Monitor and track corrective action required of education providers. Communicate with and respond to questions from education providers regarding corrective action requirements. Where corrective action is not completed, prepare order finding noncompliance and directing the withholding of state school funds and work with the State School Fund Unit to implement the order to withhold funds.
- Review and analyze requests for reconsideration. Prepare recommendation for manager's consideration.
- Where a petition for judicial review is filed, work with DOJ to uphold the agency's determination.
- Serve as point of contact for interested parties with respect to informal complaints and formal complaints and appeals. Respond to questions from parties, interested persons, media, and legislators.
- Report to State Board of Education regarding status of caseload as required

25% - R E - COMPLAINTS AND APPEALS – PROCESS EVALUATION AND IMPROVEMENT

In collaboration with other Complaints and Appeals Specialists, regularly review and update investigation and appeal processes to ensure best practice, compliance with state and federal laws, and alignment with priorities of the Governor, State Board, and agency Director.

- Review and analyze data relating to the program to determine the program's impact, alignment to priorities, and progress on goals.
- Research and study best practices for state complaint resolution processes.
- Participate in engagement with education providers, users of the process, and community to understand program's impact, whether the program is serving the needs of the users, alignment to priorities, and progress on goals.
- Identify problems within the program and points of conflict between the program and the larger education system or state agency system.
- Make recommendations to the manager for improvements to address identified problems.
- Participate in the development and implementation of improvement projects for the program. This could include changes to internal practice and procedure or administrative rules, policy strategies, policy option packages, or legislative concepts. Present to the State Board of Education or Legislature as required.

- Provide statewide technical assistance, education, and training to school districts, parents, and other interested parties regarding complaint and appeal processes.
- Coordinate with other Department staff regarding complaint processes to ensure complaints and appeals are addressed appropriately.
- Serve on legislatively created taskforces and workgroups.

5% - NC E - OTHER DUTIES AS ASSIGNED

- Support the functioning of the Complaints and Appeals Team, the Government and Legal Affairs Team, the Office of the Director, and the Oregon Department of Education to increase equity, inclusion, and results for students experiencing disabilities.
- Review and interpret statutes, rules, federal guidance relating to elementary and secondary public education to provide guidance to school districts, other education providers, and members of the public.
- Respond to constituents on behalf of Manager and Deputy Superintendent.
- Respond to inquiries from the public, other agencies, legislators, and community partners and provide technical assistance to districts.
- Special Projects as assigned by the Manager.
- Perform general office duties, such as participating in staff meetings and performing other work as assigned.

At All Times - N E

Demonstrate commitment to equity; in addition to the cultivation of equitable practices across all aspects of this position description:

- Learn and apply knowledge and skills to interrupt systemic oppression.
- Participate and engage in efforts to further team and agency-wide development and implementation of equity goals.
- Have knowledge of and apply tools, such as the ODE Equity Stance and Equity Lens, Strategic Plan, Culturally Responsive Community Engagement tool, the Protocol for Culturally Responsive Organizations, etc., to all work to ensure that the shared vision and mission of the team and ODE is clearly articulated in all work produced.

Demonstrate professionalism:

- Consistently treat customers, stakeholders, partners, vendors and co-workers with dignity and respect. Create and maintain a work environment that is welcoming and respectful of diversity.
- Set clear guidelines and model expected professional behaviors.

SECTION 4. WORKING CONDITIONS

Describe any on-going working conditions. Include any physical, sensory, and environmental demands. State the frequency of exposure to these conditions.

Working conditions in the public service building are a typical office environment with open-wall configuration. The person in this position will be required to manage deadlines and may be required to work long hours to meet those deadlines. The person in this position must make decisions in highly stressful and complex situations. Occasional in-state and national travel may be necessary and require sitting/driving for extended periods of time.

SECTION 5. GUIDELINES

List any established guidelines used in the position, such as state or federal laws or regulations, policies, manuals, or desk procedures.

Federal and state statutes, rules, regulations, and guidance relating to discrimination in public education including but not limited to ORS 659.850, 659.852, 659.855, OAR 581-021-045, 581-021-0046, 581-022-2312, U.S. Department of Education Office for Civil Rights Region X Guidelines, Titles VI and VII of the Civil Rights Act of 1964, Elementary and Secondary Education Act of 1965, Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973, Equal Educational Opportunities Act of 1974, Age Discrimination Act of 1975, Titles I and II of the Americans with Disabilities Act of 1990, Americans with Disabilities Act Amendments Act of 2008.

The “Division 22 Standards,” which are the administrative rules adopted by the State Board of Education in OAR Chapter 581, Division 22, and ORS 327.103.

State laws governing restraint and seclusion in public education, including ORS 339.285 through 339.308 and OAR 581-021-0550 through 581-021-0570.

ORS 327.109 relating to religious activity

State laws relating to abbreviated school day programs, ORS 343.321 through 343.333, guidance and procedures development to implement the abbreviated school day program and determinations of non-standard status.

Administrative rules relating to complaints and appeals, including OAR 581-002-0001 through 581-002-0023 and OAR 581-022-2370.

The Administrative Procedures Act, ORS Chapter 183, Department of Justice administrative rules relating to contested case, other than contested case, and administrative rulemaking, and the Oregon Attorney General’s Administrative Law Manual.

The Oregon Attorney General’s Public Records and Meetings Manual. Federal and State laws that provide protection for personally identifiable student information.

The Governor’s priorities, The ODE Director’s priorities, ODE equity strategic plan, ODE policies, and State Board Policies and Procedures.

How are these guidelines used?

The person in this position must use the statutes, rules, regulations, and guidance relating to civil rights, restraint and seclusion, Abbreviated School Day Programs, religious entanglement, and to determine the appropriate scope of investigation, legal standard, and process to apply to a complaint.

The Administrative Procedures Act and the Attorney General’s Administrative Law Manual establish the process for orders issued in contested case and other than contested case proceedings. The person in this position must be familiar with these laws and guidance to ensure that ODE complies with legal requirements for the issuance of orders in contested case and other than contested case proceedings.

The Oregon Attorney General’s Public Records and Meetings Manual and Federal and State laws relating to confidential information will be used to determine when information is protected and appropriate process for ensuring confidentiality is maintained.

The Governor’s priorities, The ODE Director’s priorities, ODE equity strategic plan, ODE policies, and State Board Policies and Procedures are used to strategic planning and assign resources.

SECTION 6. WORK CONTACTS

With whom, outside of co-workers in this work unit, must the employee in this position regularly come in contact?

Who	How	Purpose	How Often?
Agency staff	In Person, by mail, email or telephone	Direct/obtain information	Daily
DOJ Legal Counsel	In Person, by mail, email or telephone	Provide/request information	As Needed
Members of the community	In Person, by mail, email or telephone	Respond to questions/inquiries	Daily
Other state agencies	In Person, by mail, email or telephone	Information exchange	Regularly
Schools/School districts/ private schools	In Person, by mail, email or telephone	Respond to questions about complaints and appeals; request information related to investigations; provide technical assistance	Daily
State board members	In Person, by mail, email or telephone	Provide/request information	As Needed

SECTION 7. POSITION RELATED DECISION MAKING

Describe the typical decisions of this position. Explain the direct effect of these decisions.

The person in this position will determine whether the department has jurisdiction to accept and open an investigation on a complaint involving discrimination in public education, retaliation, restraint and seclusion, religious entanglement, division 22 standards, or abbreviated school day. If the decision is that the department does not have jurisdiction, the complainant will not be able to appeal to the department and will not have access to a state complaint process.

The person in this position will determine whether the facts uncovered during an investigation constitute a violation of any of the standards enforced by the department. The determination will be subject to manager review and approval. If the decision is that an education provider is out of compliance, the education provider must undergo corrective action.

The person in this position will design unique corrective action tailored to the specific violations found and determine whether the education provider has completed the corrective action. The determination will be subject to manager review and approval. If the education provider does not complete the require corrective action, the person in this position will prepare an order finding the provider noncompliant and ordering the withholding of state school fund dollars.

SECTION 8. REVIEW OF WORK

Job Profile	Position ID	How	How Often	Purpose of Review
Compliance & Regulatory Manager 2		In Person, by mail, email or telephone	Monthly	Regular check-ins to support performance and provide feedback and ensure alignment with agency mission and strategic plan; quarterly reviews for progress towards goals quality.

SECTION 9. OVERSIGHT

What are the oversight activities for this position?

SECTION 10. ADDITIONAL POSITION RELATED INFORMATION

List any knowledge and skills needed at time of hire that are not already required in the classification specification:

- Experience writing legal memoranda, briefs, opinions, or final orders
- Excellent verbal and written communication skills
- Strong interpersonal skills and the ability to work with diverse constituents, including children, parents, faculty, and staff
- Ability to demonstrate initiative and exercise consistent good judgment
- Ability to manage highly sensitive and confidential information
- Strong organizational skills
- Ability to prioritize tasks, manage multiple deadlines, and work independently

This position requires successfully passing a pre-employment background check. The pre-employment check may include a review of the following records: criminal background, DMV, licensure, and sexual misconduct. Adverse background data may be grounds for immediate disqualification, withdrawal of a conditional job offer, or termination of employment.

SECTION 11. BUDGET AUTHORITY

If this position has authority to commit agency operating money, indicate the following:

Operating Area	Biennial Amount	Fund Type
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SECTION 12. ORGANIZATIONAL CHART

See Organizational Chart (attach copy or view within Workday).

SECTION 13. SIGNATURES

Employee	Date
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Manager	Date
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Appointing Authority	Date
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