

1 **Nondiscrimination**

2 Anyone may file a complaint against the district alleging that the district has violated anti-
 3 discrimination laws. This complaint procedure is designed to assure that the resolution of real or
 4 alleged violations are directed toward a just solution that is satisfactory to the complainant, the
 5 administration and the board of directors. This grievance procedure will apply to the general
 6 conditions of the nondiscrimination policy (Policy No. 3210) and more particularly to policies
 7 dealing with guidance and counseling (Policy No. 2140), co-curricular program (Policy No.
 8 2150), service animals in schools (Policy No. 2030) and curriculum development and instruc-
 9 tional materials (Policy No. 2020). As used in this procedure:

10 “Grievance” shall mean a complaint which has been filed by a complainant relating to al-
 11 leged violations of any state or federal anti-discrimination laws.

12 A complaint shall mean a written charge alleging specific acts, conditions or circum-
 13 stances, which are in violation of the anti-discrimination laws. The time period for filing
 14 a complaint is one year from the date of the occurrence that is the subject matter of the
 15 complaint. However, a complaint filing deadline may not be imposed if the complainant
 16 was prevented from filing due to: 1) Specific misrepresentations by the district that it had
 17 resolved the problem forming the basis of the complaint; or 2) Withholding of infor-
 18 mation that the district was required to provide under WAC 392-190-065 or WAC 392-
 19 190-005. Complaints may be submitted by mail, fax, e-mail or hand-delivery to any dis-
 20 trict, school or to the district compliance officer responsible for investigating discrimina-
 21 tion complaints. Any district employee who receives a complaint that meets these criteria
 22 will promptly notify the compliance officer.
 23

24 A respondent shall mean the person alleged to be responsible or who may be responsible for
 25 the violation alleged in the complaint.

26 The primary purpose of this procedure is to secure an equitable solution to a justifiable com-
 27 plaint. To this end, specific steps shall be taken. The district is prohibited by law from intimidat-
 28 ing, threatening, coercing or discriminating against any individual for the purpose of interfering
 29 with their right to file a grievance under this policy and procedure and from retaliating against an
 30 individual for filing such a grievance.
 31

32 **Informal Process for Resolution**

33 Anyone with an allegation of discrimination may request an informal meeting with the compli-
 34 ance officer or designated employee to resolve their concerns. Such a meeting will be at the op-
 35 tion of the complainant. If unable to resolve the issue at this meeting, the complainant may sub-
 36 mit a written complaint to the compliance officer. During the course of the informal process,
 37 the district must notify complainant of their right to file a formal complaint.

38 **Formal Process for Resolution**

39 **Level One – Complaint to District**

40 The complaint must set forth the specific acts, conditions or circumstances alleged to be in viola-
 41 tion. Upon receipt of a complaint, the compliance officer shall provide the complainant a copy of
 42 this procedure. The compliance officer shall investigate the allegations set forth within 30 calen-
 43 dar days. The school district and complainant may agree to resolve the complaint in lieu of an

1 investigation. The officer shall provide the superintendent with a full written report of the com-
 2 plaint and the results of the investigation.

3 The superintendent or designee shall respond to the complainant with a written decision as expe-
 4 ditiously as possible, but in no event later than 30 calendar days following receipt of the written
 5 complaint, unless otherwise agreed to by the complainant or if exceptional circumstances related
 6 to the complaint require an extension of the time limit. In the event an extension is needed, the
 7 district will notify the complainant in writing of the reason for the extension and the anticipated
 8 response date at the time the district responds to the complainant, the district must send a copy of
 9 the response to the office of the superintendent of public instruction.

10 The decision of the superintendent or designee will include: 1) a summary of the results of the
 11 investigation; 2) whether the district has failed to comply with anti-discrimination laws; 3) if
 12 non-compliance is found, corrective measures the district deems necessary to correct it; and 4)
 13 notice of the complainant’s right to appeal to the school board, and the necessary filing infor-
 14 mation.

15 The superintendent’s or designee’s written response shall be provided in a language the com-
 16 plainant can understand and may require language assistance for complainants with limited Eng-
 17 lish proficiency in accordance with Title VI of the Civil Rights Act of 1964. Any corrective
 18 measures deemed necessary shall be instituted as expeditiously as possible, but in no event later
 19 than 30 calendar days following the superintendent’s mailing of a written response to the com-
 20 plaining party unless otherwise agreed to by the complainant.

21 **Level Two – Appeal to the Board of Directors**

22 If a complainant disagrees with the superintendent’s or designee’s written decision, the com-
 23 plainant may appeal the decision to the district board of directors by filing a written notice of ap-
 24 peal with the secretary of the board within ten calendar days following the date upon which the
 25 complainant received the response.

26 The board shall schedule a hearing to commence by the 20th calendar day following the filing of
 27 the written notice of appeal, unless otherwise agreed to by the complainant and the superinten-
 28 dent or for good cause. Both parties shall be allowed to present such witnesses and testimony as
 29 the board deems relevant and material. Unless otherwise agreed to by the complainant, the board
 30 will render a written decision within 30 calendar days following the filing of the notice of appeal
 31 and provide a copy of the decision to the complainant, The decision of the board will be provided
 32 in a language the complainant can understand, which may require language assistance for com-
 33 plainants with limited English proficiency in accordance with Title VI of the Civil Rights
 34 Act. The decision will include notice of the complainant’s right to appeal to the Superintendent
 35 of Public Instruction and will identify where and to whom the appeal must be filed. The district
 36 will send a copy of the appeal decision to the office of the superintendent of public instruction.

37 **Level Three - Complaint to the Superintendent of Public Instruction**

38 If a complainant disagrees with the decision of the board of directors or if the district fails to
 39 comply with this procedure, the complainant may file a complaint with Superintendent of Public
 40 Instruction.

41 A. A complaint must be received by the Superintendent of Public Instruction on or before the
 42 20th day following the date upon which the complainant received written notice of the board
 43 of directors' decision, unless the Superintendent of Public Instruction grants an extension for
 44 good cause. Complaints may be submitted by mail, fax, electronic mail, or hand delivery.

1 A complaint must be in writing and include: 1) A description of the specific acts, condi-
 2 tions, or circumstances alleged to violate applicable anti-discrimination laws; 2) The
 3 name and contact information, including address, of the complainant; 3) The name and
 4 address of the district subject to the complaint; 4) A copy of the district’s complaint and
 5 appeal decision, if any; and 5) A proposed resolution of the complaint or the relief re-
 6 quested. If the allegations regard a specific student, the complaint must also include the
 7 name and address of the student, or in the case of a homeless child or youth, contact in-
 8 formation.

9 Upon receipt of a complaint, the Office of the Superintendent of Public Instruction may initiate
 10 an investigation, which may include conducting an independent on-site review. OSPI may also
 11 investigate additional issues related to the complaint that were not included in the initial com-
 12 plaint or appeal to the superintendent or board. Following the investigation, OSPI will make an
 13 independent determination as to whether the district has failed to comply with RCW
 14 28A.642.010 or Chapter 392-190, WAC and will issue a written decision to the complainant and
 15 the district that addresses each allegation in the complaint and any other noncompliance issues it
 16 has identified. The written decision will include corrective actions deemed necessary to correct
 17 noncompliance and documentation the district must provide to demonstrate that corrective action
 18 has been completed.

19 All corrective actions must be completed within the timelines established by OSPI in the written
 20 decision unless OSPI grants an extension. If timely compliance is not achieved, OSPI may take
 21 action including but not limited to referring the district to appropriate state or federal agencies
 22 empowered to order compliance.

23 A complaint may be resolved at any time when, before the completion of the investigation, the
 24 district voluntarily agrees to resolve the complaint. OSPI may provide technical assistance and
 25 dispute resolution methods to resolve a complaint.

26 **Level Four - Administrative Hearing**

27 A complainant or school district that desires to appeal the written decision of the Office of the
 28 Superintendent of Public Instruction may file a written notice of appeal with OSPI within thirty
 29 (30) calendar days following the date of receipt of that office’s written decision. OSPI will con-
 30 duct a formal administrative hearing in conformance with the Administrative Procedures Act,
 31 Chapter 34.05, RCW.

32 **Mediation**

33 At any time during the discrimination complaint procedure set forth in WAC 392-190-065
 34 through 392-190-075, a district may, at its own expense, offer mediation. The complainant and
 35 the district may agree to extend the discrimination complaint process deadlines in order to pursue
 36 mediation.

37 The purpose of mediation is to provide both the complainant and the district an opportunity to
 38 resolve disputes and reach a mutually acceptable agreement through the use of an impartial me-
 39 diator. Mediation must be voluntary and requires the mutual agreement of both parties. It may
 40 be terminated by either party at any time during the mediation process. It may not be used to de-
 41 ny or delay a complainant’s right to utilize the complaint procedures.

1 Mediation must be conducted by a qualified and impartial mediator who may not:

2 1) Be an employee of any school district, public charter school, or other public or private agency
3 that is providing education related services to a student who is the subject of the complaint being
4 mediated; or 2) Have a personal or professional conflict of interest. A mediator is not considered
5 an employee of the district or charter school or other public or private agency solely because he
6 or she serves as a mediator.

7 If the parties reach agreement through mediation, they may execute a legally binding agreement
8 that sets forth the resolution and states that all discussions that occurred during the course of me-
9 diation shall remain confidential and may not be used as evidence in any subsequent complaint,
10 due process hearing or civil proceeding. The agreement must be signed by the complainant and
11 a district representative who has authority to bind the district.

12 **Preservation of Records**

13 The files containing copies of all correspondence relative to each complaint communicated to the
14 district and the disposition, including any corrective measures instituted by the district, shall be
15 retained in the office of the compliance officer for a period of six years.

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18 **Adoption Date:** 08/27/98

19 **Revised:** 06/26/08

20 **Revised:** 10/20/11

21 **Revised:** 02/19/15