
Nondiscrimination

Anyone may file a complaint against the district alleging that it has violated anti-discrimination laws. This complaint procedure is designed to assure that real or alleged violations are resolved through just solutions that are satisfactory to the complainant, administration, and Board of Directors.

This complaint procedure will apply to the general conditions of the district's nondiscrimination policy (Policy 3210), and more particularly to policies dealing with guidance and counseling (Policy 2140), co-curricular program (Policy 2150), service animals in schools (Policy 2030), and curriculum development and instructional materials (Policy 2020). Complaints alleging sexual harassment of students will be processed under the more specific provisions of policy/procedure 3205.

The district is prohibited by law from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with their right to file a complaint under this policy and procedure and from retaliating against an individual for filing such a complaint.

A. Definitions

Complaint – A written charge alleging specific acts, conditions, or circumstances that are in violation of the anti-discrimination laws.

Compliance Officer – The district employee designated by the superintendent who is responsible for monitoring and coordinating the district's compliance with Chapter 391-90 WAC and the guidelines for prohibiting discrimination in Washington public schools developed by the Office of Superintendent of Public Instruction (OSPI). The District will publish the name and contact information of the compliance officer on its website and in its nondiscrimination statement distributed to students, parents/guardians, and employees.

Respondent – The person alleged to be responsible or who may be responsible for the violation alleged in the complaint.

B. Informal Complaint Process

Anyone alleging discrimination by the district may request an informal meeting with the compliance officer or designee to resolve his or her concerns. Such a meeting will be at the option of the complainant. If unable to resolve the issue at this meeting, the complainant may submit a formal, written complaint to the compliance officer. During the informal complaint process, the district will notify complainant of his or her right to file a formal complaint.

C. Formal Complaint Process

1. Complaint to District (Level One)

Anyone may initiate a formal complaint of discrimination, even if the informal complaint process is being utilized. The following process will be followed:

a. Filing of Complaint

- i. All formal complaints will be in writing and set forth the specific acts, conditions, or circumstances alleged to be in violation. The compliance officer may draft the complaint based on the report of the complainant for the complainant to review and approve. The superintendent or compliance officer may determine that the district will conduct an investigation based on information in his or her possession, regardless of the complainant's interest in filing a formal complaint.
- ii. The time period for filing a complaint is one year from the date of the occurrence that is the subject matter of the complaint. However, a complaint filing deadline may not be imposed if the complainant was prevented from filing due to specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint or withholding of information that the district was required to provide under WAC 392-190-005 or -065.
- iii. Complaints may be submitted by mail, fax, email, or hand-delivery to the compliance officer. Any district employee who receives a complaint that meets the criteria in this procedure will promptly notify the compliance officer.

b. Investigation and Response

- i. The compliance officer will receive and investigate within thirty (30) calendar days of receipt each formal, written complaint of discrimination. The compliance officer will delegate his or her authority to participate in this process if such action is necessary to avoid any potential conflicts of interest.
- ii. Upon receipt of a complaint, the compliance officer will provide the complainant with a copy of this procedure in a language that the complainant can understand, which may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964.
- iii. Investigations will be carried out in a manner that is adequate in scope, reliable, and impartial. The compliance officer may conduct investigations directly, or delegate responsibility for such investigations to other appropriate district administrators or contractors.
- iv. When the investigation is completed, the compliance officer will provide the superintendent with a full written report of the complaint and the results of the investigation.
- v. The district and complainant may agree to resolve the complaint in lieu of an investigation.

c. Superintendent Response

- i. The superintendent or designee will respond in writing to the complainant with a written decision within thirty (30) calendar days of receipt of the complaint, unless otherwise

- agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, the district will notify the complainant in writing of the reason for the extension and the anticipated response date in a language that the complainant can understand, which may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964. At the time the district responds to the complainant, the district will send a copy of the response to OSPI.
- ii. The response of the superintendent or designee will include:
 - 1) A summary of the results of the investigation;
 - 2) A statement regarding whether the district has failed to comply with anti-discrimination laws;
 - 3) If noncompliance is found to have occurred, the corrective measures the district deems necessary; and
 - 4) Notice of the complainant’s right to appeal to the Board of Directors and the necessary filing information.
 - iii. The response of the superintendent or designee will be provided in a language the complainant can understand, which may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964.
 - iv. Any corrective measures deemed necessary will be instituted as expeditiously as possible, but in no event later than thirty (30) calendar days following the superintendent’s mailing of a written response to the complaining party, unless otherwise agreed to by the complainant, or the accused is appealing the imposition of discipline or corrective action and the district is barred by due process considerations or a lawful order from imposing the discipline or corrective action until the appeal process is concluded.

2. Appeal to Board of Directors (Level Two)

a. Notice of Appeal and Hearing

- i. If a complainant disagrees with the written decision of the superintendent or designee, the complainant may appeal the decision to the district’s Board of Directors by filing a written notice of appeal with the superintendent within ten (10) calendar days following the date upon which the complainant received the response.
- ii. The Board will schedule a hearing on the appeal. Both parties will be allowed to present such witnesses and testimony as the Board deems relevant and material.

b. Board Decision

- i. Unless otherwise agreed to by the complainant, the Board will render a written decision within thirty (30) calendar days following the district's receipt of the notice of appeal and provide the complainant with a copy of the decision.
- ii. The Board decision will be provided in a language that the complainant can understand, which may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act.
- iii. The Board decision will include notice of the complainant's right to file a complaint with OSPI under WAC 392-190-075. The district will send a copy of the Board decision to OSPI.

3. Complaint to OSPI (Level Three)

a. Filing of Complaint

- i. If a complainant disagrees with the decision of the Board of Directors, or if the district fails to comply with the complaint and appeal procedures in WAC 392-190-065 or -070, the complainant may file a complaint with OSPI.
- ii. A complaint must be received by OSPI on or before the twentieth (20) calendar day following the date upon which the complainant received written notice of the Board decision, unless OSPI grants an extension for good cause. Complaints may be submitted by mail, fax, email, or hand delivery.
- iii. A complaint to OSPI must be in writing and include:
 - 1) A description of the specific acts, conditions, or circumstances alleged to violate Chapter 392-190 WAC or OSPI's guidelines for prohibiting discrimination in Washington public schools;
 - 2) The name and contact information, including address, of the complainant;
 - 3) The name and address of the district subject to the complaint;
 - 4) A copy of the district's complaint and Board appeal decisions;
 - 5) A proposed resolution of the complaint or relief requested;
 - 6) If the allegations regard a specific student, the complaint must also include the name and address of the student, or in the case of a homeless child or youth, contact information, as well as the name of the school and school district that the specific student attends.

b. Investigation, Determination, and Corrective Action

- i. Upon receipt of a complaint, OSPI may initiate an investigation pursuant to WAC 392-190-075.
- ii. Following the investigation, OSPI will make an independent determination as to whether the district has failed to comply with Chapter 392-190 WAC or OSPI's guidelines for prohibiting discrimination in Washington public schools.
- iii. OSPI will issue a written decision to the complainant and the district that addresses each allegation in the complaint and any other noncompliance issues it has identified. The written decision will include corrective actions deemed necessary to correct noncompliance and any documentation the district must provide to demonstrate that corrective action has been completed.
- iv. State regulations provide that all corrective actions must be completed within the timelines established by OSPI in the written decision unless OSPI grants an extension. If timely compliance is not achieved, OSPI may take action including, but not limited to, referring the district to appropriate state or federal agencies empowered to order compliance.
- v. A complaint may be resolved at any time when, before the completion of the investigation, the district voluntarily agrees to resolve the complaint. OSPI may provide technical assistance and dispute resolution methods to resolve a complaint.

4. Administrative Hearing (Level Four)

A complainant or school district that desires to appeal OSPI's written decision may file a written notice of appeal with OSPI within thirty (30) calendar days following the date of receipt of such decision. OSPI will conduct a formal administrative hearing in conformance with the Administrative Procedure Act, Chapter 34.05 RCW.

D. Mediation

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

The purpose of mediation is to provide both the complainant and the district an opportunity to resolve disputes and reach a mutually acceptable agreement through use of an impartial mediator. Mediation must be voluntary and requires the agreement of both parties. It may be terminated by either party at any time during the mediation process. It may not be used to deny or delay a complainant's right to utilize the complaint procedures.

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

1. Be an employee of any school district, public charter school, or other public or private agency that is providing education related services to a student who is the subject of the complaint being mediated; or
2. Have a personal or professional conflict of interest.

A mediator is not considered an employee of the district or charter school or other public or private agency solely because he or she serves as a mediator.

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

E. Retaliation

Retaliation against any individual who files a complaint of discrimination or participates in a complaint investigation is prohibited. The district will investigate all allegations of retaliation and take appropriate corrective actions against those found to have retaliated.

F. Preservation of Records

The files containing copies of all correspondence relative to each complaint communicated to the district and the disposition thereof, including any corrective measures instituted by the district, will be retained in the office of the compliance officer for a period of six (6) years.

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