NONDISCRIMINATION AND AFFIRMATIVE ACTION

This complaint procedure is adopted in accordance with chapter 392-190 WAC.

Complainant
An employee may file a complaint against the district alleging that it has violated anti-discrimination laws. The person filing the complaint is referred to as the "complainant."

Formal Complaint
A formal complaint must be in writing and describe the specific acts, conditions, or circumstances alleged to violate anti-discrimination laws.

A complaint must be filed within one year of the occurrence giving rise to the complaint. The deadline will not be imposed if the complainant was prevented from filing a complaint because (1) the district specifically misrepresented that it had resolved the problem forming the basis of the complaint or (2) the district withheld information it was required to provide under chapter 392-190 WAC.

A complaint may be filed by mail, fax, email, or hand delivery to any district or school administrator or to the compliance officer.

Informal Complaint
A complainant may bring an informal (i.e., oral) complaint to the district. If that occurs, the compliance officer or their designee will schedule a meeting to discuss the informal complaint and how to resolve the complainant's concerns. Using this informal process does not limit the complainant's right to file a formal complaint. Further, as part of this informal process, the district will notify the complainant in writing about their right to file a formal complaint. The notice will be in a language the complainant can understand, which may require language assistance in accordance with Title VI of the Civil Rights Act of 1964 for complainants with limited English proficiency.

Receiving a Formal Complaint
Any district or school administrator who receives a formal complaint will promptly notify the compliance officer. Once the compliance officer receives a complaint, they will do the following:

1. Provide the complainant with a copy of Policy 5010 and this procedure in a language they can understand, which may require language assistance in accordance with Title VI of the Civil Rights Act of 1964 for complainants with limited English proficiency.

2. Ensure that the district conducts a prompt and thorough investigation into the allegations in the complaint.

In lieu of investigating, the district and the complainant may agree to resolve the complaint. If the complaint is resolved, no further action is necessary.

Written Response to a Formal Complaint
After completing the investigation, the compliance officer or their designee will give the superintendent a full written report of the complaint and the investigation results.

The superintendent or their designee will issue a written response to the complainant within thirty calendar days after the district receives the formal complaint. The thirty-day timeline can be extended if agreed to by the complainant or if exceptional circumstances related to the complaint require an extension. If an extension is needed, the district will notify the complainant in writing of the reasons for the extension and the anticipated response date. The notice will be in a language the complainant can understand, which may require language assistance in accordance with Title VI of the Civil Rights Act of 1964 for complainants with limited English proficiency.

The written response must include a summary of the results of the investigation; a finding as to whether the district failed to comply with anti-discrimination laws; notice to the complainant of their right to appeal, including where and to whom the appeal must be filed; and, if the district failed to comply with anti-discrimination laws, the corrective measure deemed necessary to correct the noncompliance. Any corrective measures must be instituted as expeditiously as possible but no later than thirty calendar days after the written response is issued unless otherwise agreed to by the complainant. The written response will be in a language the complainant can understand, which may require language assistance in accordance with Title VI of the Civil Rights Act of 1964 for complainants with limited English proficiency.

The district will send a copy of the written response to the Office of the Superintendent of Public Instruction (OSPI) when it sends the response to the complainant.

Appeal to the Board
If a complainant disagrees with the superintendent's written response, they may appeal to the board. The appeal must be in writing and filed with the superintendent within ten calendar days of receiving the written response.

The board must issue a written appeal decision within thirty calendar days of receiving the appeal unless the complainant agrees otherwise. The board may schedule a meeting to hear from the complainant and district representatives before issuing its decision. If it doesn't schedule a meeting, the board will consider the investigation report, the written response, and any documentation the complainant submits before making its decision.

The appeal decision must 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 appeal decision to OSPI.

The appeal decision will be in a language the complainant can understand, which may require language assistance in accordance with Title VI of the Civil Rights Act of 1964 for complainants with limited English proficiency.

Complaint to OSPI

If a complainant disagrees with the board's decision, or if the district fails to comply with this procedure, the complainant may file a complaint with OSPI.

A complaint must be received by OSPI on or before the twentieth calendar day following the date upon which the complainant received the board's decision unless OPSI grants an extension for good cause.

Complaints may be submitted by mail, fax, email, or hand delivery.

A complaint must be in writing and include the following: (1) a description of the specific acts, conditions or circumstances alleged to violate applicable anti-discrimination laws; (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 written response and appeal decision, if any; and (5) a proposed resolution of the complaint or relief requested. If the allegations regard a specific student, the complaint must also include the student's name and address and the name of the school and school district the student attends. If the student is homeless, the complaint should include contact information.

Upon receipt of a complaint, OSPI may initiate an investigation, which may include conducting an independent on-site review. OSPI may also investigate additional issues related to the complaint that were not included in the initial complaint or appeal to the board.

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 and 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 documentation the district must provide to demonstrate that corrective action has been completed.

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.

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.

Administrative Hearing
The complainant or the district may appeal OSPI's written decision by filing a written notice of appeal with OPSI within thirty calendar days of receiving the decision. OSPI will conduct a formal administrative hearing in accordance with the Administrative Procedures Act, chapter 34.05 RCW.

Mediation
The district may offer mediation at any time during the complaint procedure. The purpose of mediation is to offer the complainant and the district an opportunity to resolve disputes and reach an acceptable agreement concerning the complaint using an impartial mediator. The parties may agree to extend the complaint procedure deadlines to pursue mediation.

Mediation is voluntary, requires the agreement of both parties, and may be terminated by either party at any time.

The mediator must be impartial, may not be an employee of the district, and must not have a personal or professional conflict of interest. A person is not disqualified as a mediator solely because the district pays them to serve as a mediator.

If the parties resolve a dispute through mediation, they may execute a legally binding agreement that describes the resolution, states that all discussions that occurred during mediation will remain confidential and may not be used as evidence in any subsequent complaint or civil proceeding, and is signed by the complainant and the district's representative.

Recordkeeping
The compliance officer's office will maintain documentation for each complaint received (e.g., the complaint, notices, the investigation report, the written response, the appeal decision, documentation of corrective measures, etc.) for six years.

Resources

District Contact
Bowen Charlton, District Business Manager

State Contacts
Superintendent of Public Instruction
Equity and Civil Rights Office
P.O. Box 47200
Olympia, WA 98504-7200
360.725.6162

Washington State Human Rights Commission
711 South Capitol Way, Suite 402
P.O. Box 42490
Olympia, WA 98504-2490
360.753.6770

Office for Civil Rights
U.S. Department of Education
915 Second Avenue, Room 3310
Seattle, WA 98174
206.607.1600

Last Revised: **December 22, 2024**
Classification: **Important**
Prior Revised Dates: **12.00; 06.11; 12.14; 01.15; 05/01/2018; 07/24/2023**