

STUDENTS

Complaint Procedure-Discrimination Against Students Prohibited

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

Complainant

Anyone may file a complaint against the district alleging that the district has violated anti-discrimination laws. The person filing the complaint is referred to as the “complainant.”

Notice

All notices and written communications made by the district under this procedure 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.

Compliance Officer

The district compliance officer is:

Jennifer Johnson, Executive Director of Labor and Legal Services
1215 W. Lewis St.
Pasco, WA 99352
Phone: 509-546-2880 Fax: 509-543-6761
Email: jenjohnson@psd1.org

Informal Complaint

A complainant may bring an informal (i.e., verbal) 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.

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 (1) year after the occurrence giving rise to the complaint. However, a complaint filing deadline may not be imposed if the complainant was prevented from filing due to: 1) Specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint; or 2) Withholding of information that the district was required to provide under WAC [392-190-065](#) or WAC [392-190-005](#).

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 3210 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

The superintendent will designate an administrator to respond to formal complaints under this procedure. After the investigation is complete, the compliance officer will give the designee a full written report of the complaint and the investigation results.

The superintendent's designee will issue a written response to the complainant within thirty (30) 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 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 (30) calendar days after the written response is issued unless otherwise agreed to by the complainant.

The compliance officer 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 Superintendent

If a complainant disagrees with the written response, they may appeal to the Superintendent. The appeal must be in writing and be filed with the superintendent within ten (10) calendar days of receiving the written response.

Appeals may be submitted to:

Michelle Whitney, Superintendent
Email: mwhitney@psd1.org
Fax: 509-543-6761
Mail or hand deliver to:
1215 W. Lewis St.
Pasco, WA 99301

The superintendent must issue a written appeal decision within thirty (30) calendar days of receiving the appeal unless the complainant agrees otherwise. At their sole discretion, the superintendent may schedule a meeting to with the complainant and district representatives but is not required to do so. If a meeting is not held, the superintendent will consider the investigation report, the written response, and any documentation the complainant submits before making their written decision on the appeal.

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 when it sends the decision to the complainant.

Complaint to OSPI

If a complainant disagrees with superintendent's decision, or if the district fails to comply with this procedure, the complainant may file a complaint with the Office of the Superintendent of Public Instruction (OSPI).

Appeals to OSPI must be in writing and must be sent within twenty (20) calendar days of receiving the appeal decision from the school district. Information regarding appeals to OSPI can be found at <https://ospi.k12.wa.us/policy-funding/equity-and-civil-rights/complaints-and-concerns-about-discrimination>.

Appeals to OSPI may be submitted by any of the following methods:

Email: Equity@k12.wa.us

Fax: 360-664-2967

Mail or hand deliver: OSPI Equity and Civil Rights Office
PO Box 47200
600 Washington St. S.E.

If OSPI makes a written decision requiring corrective actions, any 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.

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 or any agency providing education or related services to a student who is involved in the mediation, 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, due process hearing, 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 (6) years.

Revision Date: January 28, 2025