

Nondiscrimination

Students, parents, staff or other individuals acting on behalf of students of the district are eligible to participate in this complaint procedure. This complaint procedure is designed to assure that the resolution of real or alleged violations are directed toward a just solution that is satisfactory to the complainant, the administration and the Board of Directors. This grievance procedure applies to the general conditions of the nondiscrimination policy (Policy 5119) and more particularly to policies dealing with special services (Policy 6141), non-curriculum related student clubs (Policy 5137), service animals in schools (Policy 5225) and curriculum (Policy 6124).

I. Definitions

As used in this regulation:

- A. "Complaint" means a specific charge alleging explicit acts, conditions or circumstances, which are in violation of the anti-discrimination laws.
- B. "Complainant" means the person making the complaint.
- C. "Grievance" means a complaint which has been filed by a complainant (a student, an employee, a parent or guardian) relating to alleged violations of any state or federal anti-discrimination laws.
- D. "Parent" means a parent, guardian or person having legal custody of a child. If the student is eighteen (18) years or older, or is legally emancipated, the procedures for the parent in this regulation may be exercised by the student.
- E. "Respondent" means the person alleged to be responsible or who may be responsible for the violation alleged in the complaint.

II. The time period for filing a complaint is one year from the date of the allegations that are the subject matter of 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 that form 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.

III. The primary purpose of this regulation is to secure an equitable solution to a justifiable complaint. To this end, the following steps shall be taken:

A. Complaint Process

1. Process for Resolution - Informal Review

- a) Anyone with an allegation of discrimination may request an informal meeting with the school principal, unless the principal is the alleged respondent, in which case the complainant shall move to Level One - Formal Review to resolve their 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 written complaint to the compliance officer.

2. Level One - Formal Review

- a) A complaint must be written, signed by the complainant and set forth the specific acts, conditions or circumstances alleged to be in violation and submitted to the compliance officer, which is for elementary students the Executive Director_of Elementary Education at 313-1000, and for secondary students the Executive Directors Secondary Education at 313-1000. Upon receipt of a complaint, the compliance officer will investigate the allegations set forth within thirty (30) calendar days. The school district and complainant may agree to resolve the complaint in lieu of an investigation.
- b) The compliance officer will provide the superintendent with a full written report of the complaint and the results of the investigation. The superintendent will respond in writing to the complainant and respondent as expeditiously as possible, but in no event later than thirty (30) calendar days following receipt of the written complaint. The response of the superintendent will include notice of the complainant's or respondent's right to appeal to the Board of Directors, and will identify where and to whom the appeal must be filed.
- c) The Superintendent's written response will state that the district either:
 - (1) denies the allegations contained in the written complaint received by the district; or
 - (2) will implement reasonable corrective measures to eliminate any such act, condition or circumstance within the school district.
- d) Such 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 respondent and the complaining party, unless otherwise agreed to by the complainant.

3. Level Two - Appeal to the Board of Directors

- a) If a complainant or respondent disagrees with the superintendent's written decision or if the superintendent fails to respond, the complainant or respondent may appeal to the district Board of Directors by filing a written notice of appeal with the secretary of the Board by the tenth (10th) calendar day following:
 - (1) The date upon which the complainant and respondent received the superintendent's response, or
 - (2) The expiration of the 30-calendar day response period stated in Level One, whichever occurs first.
- b) The Board will schedule a hearing to commence by the twentieth (20th) calendar day following the filing of the written notice of appeal, unless otherwise agreed to by the complainant, the respondent and the superintendent or for good cause.
- c) Both parties will be allowed to present such witnesses and testimony as the Board deems relevant and material. The Board will render a written decision by the (10th) tenth calendar day following the termination of the hearing and will provide a copy by certified mail or documented delivery to the complainant and respondent, unless otherwise agreed to by the complainant, the respondent and the superintendent or for just cause.
- d) The response of the Board will include notice of the complainant's or respondent's right to appeal to the Superintendent of Public Instruction and will identify where and to whom the appeal must be filed.

4. Level Three - Appeal to the Superintendent of Public Instruction

- a) If a complainant or respondent disagrees with the decision of the Board of Directors in connection with any matter which, if established, would constitute a violation, the complainant may appeal the Board's decision to the Superintendent of Public Instruction.
 - (1) The notice of appeal must be received by the Superintendent of Public Instruction on or before the twentieth (20th) day following the date upon which the complainant and respondent received written notice of the Board of Directors' decision.

- (2) The notice of appeal must be in writing in the form required by the Superintendent of Public Instruction and must set forth:
 - (a) A concise statement of the original complaint and the portions of the Board of Director's decision which is appealed; and
 - (b) The relief requested by the complainant or respondent.

5. Level Four – Administrative Hearing

A complainant or school district that desires to appeal the written decision of the Office of the Superintendent of Public Instruction (OSPI) must file a written notice of appeal with OSPI within thirty (30) calendar days following the date of receipt of OSPI's written decision. In response, the request for an appeal, OSPI will conduct a formal administrative hearing in conformance with the Administrative Procedures Act, Chapter 34.05, RCW.

6. Mediation

- a) At any time during the discrimination complaint procedure set forth in WAC 392-190-065 through 392-190-075, the district may, at its own expense, offer mediation. The complainant and the district must agree to extend the discrimination complaint process deadlines in order to pursue mediation.
- b) The purpose of mediation is to provide both the complainant and the district with an opportunity to resolve disputes and reach a mutually acceptable agreement through the use of an impartial mediator. Use of the mediation process is voluntary and requires the mutual agreement of both parties. Mediation may be terminated by either party at any time during the mediation process. Mediation may not be used to deny or delay a complainant's right to utilize the discrimination complaint procedures.
 - (1) Mediation must be conducted by a qualified and impartial mediator who may not:
 - (a) Be an employee of any school district, mediating the complaint; or
 - (b) Have a personal or professional conflict of interest.
 - (2) A mediator is not considered an employee of the district solely by serving as mediator; and
 - (3) If the parties reach agreement through mediation, they must execute a legally binding agreement that sets forth the resolution and states that all discussions that occurred during the course of 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.

B. Preservation of Records

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

C. Resources

1. District Contacts / Compliance Officers

- a) Doug Hood, Executive Director, Teaching & Learning, Secondary Education
doug.hood@vansd.org
360.313.1000
- b) Chris Olsen, Executive Director, Teaching & Learning, Secondary Education
Chris.Olsen@vansd.org
360.313.1000
- c) Debra Hale, Executive Director, Teaching & Learning, Elementary Education
Debra.Hale@vansd.org
360.313.1000

2. State Contacts

- a) Superintendent of Public Instruction
Equity and Civil Rights Office
P.O. Box 47200
Olympia, WA 98504-7200
360.725.6162
- b) Washington State Human Rights Commission
711 South Capitol Way, Suite 402
P.O. Box 42490
Olympia, WA 98504-2490
360.753.6770

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