

## NONDISCRIMINATION

The board requires that the District be in compliance with local, state and federal laws to help ensure that the district is providing an educational environment that is safe and free of discrimination for all students. The district will provide equal educational opportunity and treatment for all students in all aspects of the academic and activities programs without regard to race, color, national origin/language, creed/religion, sex, sexual orientation-including gender identity/gender expression, transgender, disability, or the use of a service animal by a person with a disability, age, marital status, honorably discharged veteran or military status, HIV/Hepatitis C status. This will include official records, confidential health and education information, communication, sports and physical education, and dress codes. The district provides equal access to the Boy Scouts and other designated youth groups. District programs shall be free from sexual harassment.

The superintendent/designee shall provide for the annual evaluation, periodic surveys, annual notice, and complaint procedures as required by law to ensure that there is in fact equal opportunity for all students in the district.

The district will designate a staff member to serve as affirmative action/Title IX compliance officer.

Cross References:	Board Policy 2020	Curriculum Development Evaluation
	2030	Service Animals in Schools
	2140	Guidance and Counseling
	2150	Co-Curricular Program
	3207	Prohibition of Harassment, Intimidation & Bullying
	3231	Student Records
	4260	Use of School Facilities

Legal References:	RCW	28A.640	Sexual equality mandated for public schools
		49.60	Discrimination
		28A.642	Human Rights Commission
	WAC 392-400-215		Discrimination prohibition
	WAC 392-190		Student Rights
	42 U.S.C. §§ 12101-12213		Equal Educational Opportunity – Unlawful Discrimination Prohibited
	20 U.S.C. §7905		Americans with Disabilities Act
	20 U.S.C. §1232g,		Boy Scouts of America Equal Access Act
	34 C.F.R., Part 99		Family Education Rights and Privacy Act

Prohibiting Discrimination in Washington Public Schools – OSPI Guidelines for school districts to implement Chapters 28A.640 and 28A.642 RCW and 392-190 WAC (February 2012)

Policy Adopted: September 10, 2002; Sept. 23, 2003; April 19, 2007;  
April 17, 2008; March 25, 2013; August 25, 2014

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## **Nondiscrimination**

Students, and/or 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 will apply to the general conditions of Nondiscrimination, Policy 3210; Co-Curricular Program, Policy 2150; Curriculum Development and Evaluation, Policy 2020; Adoption of Instructional Materials, Policy 2019; Service Animals in Schools, Policy 2030 and more particularly to programs dealing with Guidance and Counseling, Policy 2140. As used in this procedure:

“Grievance” shall mean 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.

A complaint shall mean a charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws. A respondent shall mean the person alleged to be responsible or who may be responsible for the violation alleged in the complaint.

The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint. To this end, specific steps shall be taken:

### **Process for Resolution**

Anyone with an allegation of discrimination may request an informal meeting with the compliance officer or designated employee to resolve their concerns. If unable to resolve this issue at this meeting, the complainant may submit a written complaint to the Title IX Compliance Officer.

### **Level One**

A complaint must be written, signed by the complainant and set forth the specific acts, conditions, or circumstances alleged to be in violation. Upon receipt of a complaint, the Compliance Officer shall investigate the allegations set forth within 30 calendar days.

The school district and complainant may agree to resolve the complaint in lieu of an investigation. The officer shall provide the superintendent/designee with a full written report of the complaint and the results of the investigation. The superintendent/designee shall respond in writing to the complainant as expeditiously as possible, but in no event later than 30 calendar days following receipt of the written complaint. The response of the superintendent/designee will include notice of the complainant’s right to appeal to the school board, and will identify where and to whom the appeal must be filed. The superintendent/designee’s written response will state that the district either:

A. Denies the allegations contained in the written complaint received by the district; or

- B. Shall implement reasonable corrective measures to eliminate any such act, condition or circumstance within the school district.

Such corrective measures deemed necessary shall be instituted as expeditiously as possible, but in no event later than 30 calendar days following the superintendent/designee's mailing of a written response to the complaining party unless otherwise agreed to by the complainant.

### **Level Two**

If a complainant disagrees with the superintendent/designee's written decision or if the superintendent/designee fails to respond, the complainant may appeal to the district board of directors by filing a written notice of appeal with the secretary of the board by the 10th calendar day following:

- A. The date upon which the complainant received the superintendent/designee's response, or
- B. The expiration of the 30-calendar day response period stated in Level One, whichever occurs first.

The Board shall schedule a hearing to commence by the 20th calendar day following the filing of the written notice of appeal, unless otherwise agreed to by the complainant and the superintendent/designee or good cause. 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 calendar day following the termination of the hearing and shall provide a copy to the complainant, unless otherwise agreed to by the complainant and the superintendent/designee or for just cause. The response of the board will include notice of the complainant's right to appeal to the Superintendent of Public Instruction and will identify where and to whom the appeal must be filed.

### **Level Three – Appeal to the Superintendent of Public Instruction**

If a complainant 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.

- A. A notice of appeal must be received by the Superintendent of Public Instruction on or before the 20<sup>th</sup> day following the date upon which the complainant received written notice of the board of directors' decision.
- B. A notice of appeal must be in writing in the form required by the superintendent of Public Instruction and must set forth:
  - 1. A concise statement of the original complaint and the portions of the board of director's decision which is appealed; and
  - 2. The relief requested by the complainant.

### **Other**

If the complainant remains aggrieved they may seek resolution with the federal or state agency empowered with the authority to resolve such complaint.

**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 office of the Compliance Officer for a period of 6 years.