

STUDENTS

Nondiscrimination

Procedures for Resolving Equal Educational Opportunity Complaints/Grievances

To ensure fairness and consistency, the following review procedure is to be used with regard to issues covered by state and federal equal educational opportunity laws, including Title VII of the Civil Rights Act of 1964, as amended, Title IX of the Civil Rights Act of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, [RCW 28A.640.010](#) governing sexual equality in public schools, and [Chapter 28A.642 RCW](#) prohibiting discrimination. This grievance procedure applies to complaints alleging discrimination or discriminatory harassment by employees, other students, or third parties against students based on race, color, national origin, creed, religion, sex, sexual orientation, gender expression, gender identity, veteran or military status, the presence of any sensory, mental or physical disability or the use of a trained dog guide or service animal by a student with a disability.

This complaint procedure is adopted in accordance with [Chapter 392-190 WAC](#).

Complainant

Anyone may file a complaint against the district alleging that ~~the district~~ it has violated anti-discrimination laws. The person filing the complaint is referred to as the "complainant." 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. As used in this procedure:

- Grievance means a complaint which has been filed by a complainant relating to the alleged violations of any state or federal anti-discrimination laws.
- Complaint means a written charge alleging specific acts, conditions, or circumstances, which are in violation of the anti-discrimination laws. Complaints may be submitted by mail, fax, email or hand delivery to any district or school administrator, or to any employee designated under [WAC 392-190-060](#), or to the district Title IX/Civil Rights Compliance Officer responsible for investigating discrimination complaints. Any district employee who receives a complaint that meets these criteria will promptly notify the Title IX/Civil Rights Compliance Officer.

The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint. To this end, specific steps will be taken. 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 grievance under this policy and procedure and from retaliating against an individual for filing such a grievance.

IN REVISION

3210P
Page 2 of 9

Informal Complaints

A complainant may bring an informal (i.e., oral) complaint to the district. If that occurs, the building principal/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 building principal/designee 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 district's Title IX/Civil Rights Compliance Officer, assistant superintendent of human resources/designee. Once the district's Title IX/Civil Rights Compliance Officer, assistant superintendent of human resources/designee 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.

The Title IX/Civil Rights Compliance Officer is:

Dr. Chad Golden
Everett School District No. 2
3900 Broadway
P.O. Box 2098
Everett, WA 98201
cgolden@everettsd.org
Phone: 425-385-4100

The assistant superintendent of human resources is:

Dr. Chad Golden
Everett School District No. 2
3900 Broadway
P.O. Box 2098
Everett, WA 98201
cgolden@everettsd.org
Phone: 425-385-4100

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.

At the student and parent/guardian's option, attempts will be made to resolve complaints of discrimination or discriminatory harassment informally, expeditiously and at the closest point of administrative responsibility to the alleged offense. Informal complaints of discrimination or discriminatory harassment of students shall be reported to the building principal/designee.

The building principal/designee will be responsible for investigation and resolution of informal complaints. The building principal/designee may seek assistance or guidance from the district's Title IX/Civil Rights Compliance Officer. The building principal/designee must notify the complainant of his/her right to file a formal complaint under this policy. The notice shall 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.

Formal Complaints

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 with the Title IX/Civil Rights Compliance Officer or assistant superintendent of human resources within one (1) year from the date 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.

Written Response to a Formal Complaint

After completing the investigation, the Title IX/Civil Rights Compliance Officer or the assistant superintendent of human resources/designee will provide the superintendent/designee with a full written report of the complaint and the investigation results, unless the matter is resolved to the satisfaction of the complainant without an investigation or prior to the submission of a written report.

The superintendent/designee will issue a written response to the complainant within thirty (30) calendar days after the district receives the written 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.

IN REVISION

3210P
Page 4 of 9

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 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.

Level One—Complaint to the District

- A. ~~The district's Title IX/Civil Rights Compliance Officer, assistant superintendent of human resources or designee shall be responsible for monitoring and coordinating the district's compliance with [Chapter 392-190 WAC](#) and related procedures and ensuring that all complaints communicated to the district are promptly investigated and resolved.~~

~~The Title IX/Civil Rights Compliance Officer is:~~

~~Chad Golden
Everett School District No. 2
3900 Broadway
P.O. Box 2098
Everett, WA 98201
cgolden@everettsd.org
Phone: 425-385-4100~~

~~The assistant superintendent of human resources is:~~

~~Chad Golden
Everett School District No. 2
3900 Broadway
P.O. Box 2098
Everett, WA 98201
cgolden@everettsd.org
Phone: 425-385-4100~~

~~The Title IX/Civil Rights Compliance Officer/ or designee will receive and investigate formal complaints that involve only students. The assistant superintendent of human resources/ or designee will receive and investigate formal complaints when allegations of discrimination are brought against employees or other adults. School or district administrators who receive a formal complaint of discrimination or discriminatory harassment will promptly notify the Title IX/Civil Rights Compliance Officer or assistant superintendent of human resources and forward a copy of the complaint.~~

B. The allegations of discrimination or discriminatory harassment shall:

- 1. be written;**
- 2. describe the specific acts, conditions, or circumstances alleged to violate the district's policies or obligations with regard to discrimination; and**
- 3. be filed with the Title IX/Civil Rights Compliance Officer or assistant superintendent of human resources within one (1) year from the date of the occurrence that is the subject of the complaint, unless the delay is due to specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint or the district withheld information that was required to be provided under [Chapter 392-190 WAC](#) or related guidelines.**

C. Upon receipt of the complaint, the district's Title IX/Civil Rights Compliance Officer, the assistant superintendent of human resources, or designee will provide the complainant a copy of [Procedure 3210P](#) in a language the complainant can understand, which may require language assistance for complainants with limited English proficiency, in accordance with Title VI. The district will promptly and thoroughly investigate the complaint. Following completion of the investigation, the Title IX/Civil Rights Compliance Officer or the assistant superintendent of human resources shall provide the superintendent/designee with a full written report of the complaint and the results of the investigation, unless the matter is resolved to the satisfaction of the complainant without an investigation or prior to the submission of a written report.

D. The superintendent/designee shall respond in writing to the complainant within thirty (30) calendar days after the district received the written complaint, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. If an extension is needed, the district will notify the complainant in writing of the reasons for the extension and the anticipated response date in a language the complainant can understand, which may require language assistance for complainants with limited English proficiency, in accordance with Title VI. At the time the district responds to the complainant, the district will send a copy of the response to the Office of the Superintendent of Public Instruction (OSPI).

E. The response by the superintendent/designee will include:

- 1. A summary of the results of the investigation;**
- 2. Whether the district failed to comply with [Chapter 392-190 WAC](#) or related guidelines;**
- 3. If the district failed to comply with [Chapter 392-190 WAC](#) or related guidelines, the corrective measures deemed necessary to correct the noncompliance; and**
- 4. Notice of the complainant's right to appeal under [WAC 392-190-005](#), including where and with whom the appeal should be filed.**

The district's response to the complaint 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.

IN REVISION

3210P

Page 6 of 9

~~F. Corrective measures necessary to correct any noncompliance shall be instituted as expeditiously as possible, but no later than thirty (30) calendar days after the district's written response to the complainant, unless otherwise agreed to by the complainant.~~

Level Two— Appeal to a Hearing Officer

~~A. If a complainant disagrees with the superintendent's/designee's written response, A complainant they may appeal the superintendent's/designee's decision to a hearing officer designated by the superintendent to hear the appeal. The appeal must be in writing and filed by filing a written notice of appeal with the superintendent on or before the tenth (10th) within ten (10) calendar days of receiving the written response from the date the complainant received the superintendent/designee's response.~~ The hearing officer shall not have been involved in the initial complaint or investigation.

~~B. Upon receipt of an appeal, the hearing officer shall must provide a written appeal decision to the complainant within a timely manner, not to exceed thirty (30) calendar days from the date the district received of receiving the appeal, unless the complainant agrees otherwise agreed to by the complainant.~~

The appeal decision will must include notice of the complainant's right to file a complaint with the superintendent of public instruction OSPI under [WAC 392-190-075](#). The appeal decision of the hearing officer will be provided 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 in accordance with [Title VI](#).

The decision of the hearing officer 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 appeal decision to OSPI.

Level Three— Complaint to the Superintendent of Public Instruction OSPI

~~A. In the event If a complainant disagrees with the appeal decision of the hearing officer, or if the district fails to comply with the this procedures in WAC 392-190-065 or WAC 392-190-070, the complainant may file a complaint with OSPI under WAC 392-190-075.~~

A complaint must be received by OSPI within twenty (20) calendar days after the complainant received the hearing officer's written appeal decision, unless the superintendent of public instruction OSPI grants an extension for good cause.

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

~~1. 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 complainant's name and contact information, including address;
- ~~3.~~ The name and address of the district subject to the complaint;

- **4.** A copy of the district's **complaint written response** and appeal decision, if any; and
- **5.** A proposed resolution of the complaint or relief requested.

If the allegations **involve 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.** ~~of the student, or in the case of a~~ **If the student is** homeless, **the complaint should include** ~~child or youth,~~ contact information.

- 2.**—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 superintendent or board.

Following the investigation, OSPI will make an independent determination as to whether the district has failed to comply with **RCW 28A.642.010 or 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.

Level Four— Administrative Hearing

A. ~~The~~ complainant or ~~school the~~ district ~~that desires to may~~ appeal ~~the OSPI's~~ written decision ~~of OSPI may file by filing~~ a written notice of appeal with OSPI within thirty (30) calendar days ~~following the date of receipt of that office's receiving the~~ written decision. OSPI will conduct a formal administrative hearing in ~~conformance~~ **accordance** with the Administrative Procedure Act, [Chapter 34.05 RCW](#).

NOTE: The complaint procedure outlined above does not prohibit the processing of a complaint in an informal manner and without investigation if the complainant so desires.

Mediation of Complaints

A.—The district may offer mediation, at its own expense, to resolve a complaint 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.**

IN REVISION

3210P
Page 8 of 9

Mediation ~~must be~~ **is** voluntary and requires the mutual agreement of the district and the complainant, ~~and, it~~ may be terminated by either party at any time ~~during the mediation process~~. It cannot be used to deny or delay a complainant's right to utilize the complaint procedure.

~~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 the use of an impartial mediator.~~

~~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.~~

~~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.~~

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

~~C. The complainant and district may agree to extend the complaint timelines to pursue mediation.~~

Preservation of Records Recordkeeping

~~The office of the Title IX/Civil Rights Compliance Officer will maintain documentation for The files containing copies of all correspondence relative to each complaint received (e.g., the complaint, notices, the investigation report, the written response, the appeal decision, documentation of corrective measures, etc.) communicated to the district and the disposition, including any corrective measures instituted by the district, shall be retained in the office of the Title IX/Civil Rights Compliance Officer for a period of six (6) years after resolution or closure of the complaint.~~

Cross reference:

[Board Policy 3210](#)

Nondiscrimination

IN REVISION

3210P
Page 9 of 9

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