

WAC 392-190-075 Compliance—Complaint procedure—Office of superintendent of public instruction.

(1) If a complainant disagrees with the school district's or public charter school's appeal decision under WAC 392-190-070, or if the school district or public charter school fails to comply with the procedures in WAC 392-190-065 or 392-190-070, the complainant may file a complaint with the office of superintendent of public instruction. A complaint must be received by the office of superintendent of public instruction within twenty calendar days after the complainant received the school district's or public charter school's written appeal decision, unless the office of superintendent of public instruction grants an extension for good cause. Complaints may be submitted by mail, fax, electronic mail, or hand delivery. A complaint must be in writing and include:

(a) A description of the specific acts, conditions, or circumstances alleged to violate this chapter or the guidelines adopted under WAC 392-190-005 and the facts on which the complaint is based;

(b) The name and contact information, including an address, of the complainant;

(c) The name and address of the school district or public charter school subject to the complaint;

(d) A copy of the school district's or public charter school's complaint and appeal decisions under WAC 392-190-065 and 392-190-070;

(e) A proposed resolution of the complaint or relief requested; and

(f) If the allegations regard a specific student, the complaint must also include:

(i) The name and address of the student, or in the case of a homeless child or youth, contact information for the student; and

(ii) The name of the school and school district, or public charter school, the student attends.

(2) Upon receipt of a complaint, the office of superintendent of public instruction may initiate an investigation, which may include reviewing relevant information or conducting an independent on-site review. The office of superintendent of public instruction may, at its discretion, investigate additional issues related to the complaint that were not included in the initial complaint or appeal to the school district or public charter school under WAC 392-190-065 or 392-190-070.

(3) Following an investigation, the office of superintendent of public instruction will make an independent determination as to whether the school district or public charter school has failed to comply with this chapter or the guidelines adopted under WAC 392-190-005. The office of superintendent of public instruction will issue a written decision to the complainant and the school district or public charter school that addresses each allegation in the complaint and any other noncompliance issues that the office of superintendent of public instruction has identified in the investigation. The written decision will include the corrective actions deemed necessary to correct any noncompliance and any documentation the school district or public charter school must provide to ensure that the corrective action is completed. The office of superintendent of public instruction will provide this written decision in a language that 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.

(4) All corrective actions must be completed within the timelines established in the written decision unless the office of superintendent of public instruction grants an extension. If timely compliance by a school district or public charter school is not achieved, the office of superintendent of public instruction may take actions to ensure compliance. Such actions may include, but are not limited to, referring the school district or public charter school to appropriate state or federal agencies empowered to order compliance with the law or the initiation of sanctions or corrective measures under WAC 392-190-080.

(5) A complaint may be resolved at any time when, before the conclusion of an investigation, the complainant, the school district, or the public charter school voluntarily agrees to resolve the complaint. The office of superintendent of public instruction may provide technical assistance and dispute resolution methods necessary to resolve a complaint.

[Statutory Authority: RCW 28A.640.020 and 28A.642.020. WSR 14-23-072, § 392-190-075, filed 11/18/14, effective 12/19/14; WSR 11-09-024, § 392-190-075, filed 4/13/11, effective 5/14/11. Statutory Authority: RCW 34.05.220 [(1)](a). WSR 89-23-001 (Order 15), § 392-190-075, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.85.020, 28A.85.030 and 28A.85.050. WSR 80-09-017 (Order 80-26), § 392-190-075, filed 7/9/80; Order 6-76, § 392-190-075, filed 5/17/76.]