

WAC 392-190-065 Compliance—Complaint procedure—School district or public charter school. Each school district and public charter school must establish a discrimination complaint procedure that, at a minimum, includes the following requirements:

(1) Anyone may file a complaint with a school district or public charter school alleging that the district or charter school has violated this chapter or the guidelines adopted under WAC 392-190-005. The complaint must be written and describe the specific acts, conditions, or circumstances alleged to violate this chapter or the guidelines adopted under WAC 392-190-005.

(2) A school district or local charter school may establish a complaint filing deadline. The filing deadline must be no less than one year after the occurrence that is the subject matter of the complaint. A complaint filing deadline may not be imposed if the complainant was prevented from filing a complaint due to:

(a) Specific misrepresentations by the school district or public charter school that it had resolved the problem forming the basis of the complaint; or

(b) Withholding of information by the school district or public charter school that was required to be provided under this chapter or the guidelines adopted under WAC 392-190-005.

(3) Complaints may be submitted by mail, fax, electronic mail, or hand delivery to any district, school, or charter school administrator or to any employee designated under WAC 392-190-060. Any district, school, or charter school administrator who receives a complaint that meets the criteria in this section must promptly notify the employee designated under WAC 392-190-060.

(4) Upon receipt of the complaint, the employee or employees designated under WAC 392-190-060 must:

(a) Provide the complainant a copy of the school district's or public charter school's discrimination complaint procedure 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; and

(b) Ensure that the school district or public charter school conducts a prompt and thorough investigation into the allegations in the complaint.

(5) Following the completion of the investigation, the designated employee or employees must provide the district superintendent, charter school administrator, or designee with a full written report of the complaint and the results of the investigation. The district superintendent, charter school administrator, or designee must respond in writing to the complaining party within thirty calendar days after the school district or public charter school received the 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 school district or public charter school must notify the complainant in writing of the reasons for the extension and the anticipated response date; this notice must 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. At the time the school district or public charter school responds to the complainant, the school district or charter school must send a copy of the response to the office of superintendent of public instruction.

(6) The response of the school district superintendent, charter school administrator, or designee required by this section must include:

(a) A summary of the results of the investigation;

(b) Whether the school district or public charter school has failed to comply with this chapter or the guidelines adopted under WAC 392-190-005;

(c) Notice of the complainant's right to appeal under WAC 392-190-070, including where and to whom the appeal must be filed; and

(d) If the school district or public charter school has failed to comply with this chapter or the guidelines adopted under WAC 392-190-005, the corrective measures deemed necessary to correct the noncompliance. Any corrective measures must be instituted as expeditiously as possible but no later than thirty calendar days after the school district's or public charter school's written response to the complainant, unless otherwise agreed to by the complainant.

(7) The school district's or public charter school's response to the complainant must be 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.

(8) The complainant and the school district or public charter school may agree to resolve the complaint in lieu of an investigation. If the complaint is resolved to the satisfaction of the parties involved, no further action is necessary under this section.

(9) Nothing in this section prohibits a school district or public charter school from adopting a separate procedure to resolve informal (i.e., verbal) complaints or allegations. An informal complaint procedure must not limit a complainant's right to file a formal complaint under this section. When utilizing an informal complaint procedure, school districts and public charter schools must notify complainants about their right to file a formal complaint under this section. The school district or public charter school must provide this notice 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.

(10) Nothing in this section is intended to modify or supersede any grievance procedure provided for in a school district or public charter school collective bargaining agreement.

[Statutory Authority: RCW 28A.640.020 and 28A.642.020. WSR 14-23-072, § 392-190-065, filed 11/18/14, effective 12/19/14; WSR 11-09-024, § 392-190-065, filed 4/13/11, effective 5/14/11. Statutory Authority: RCW 34.05.220 [(1)](a). WSR 89-23-001 (Order 15), § 392-190-065, filed 11/2/89, effective 12/3/89; Order 6-76, § 392-190-065, filed 5/17/76.]