

# Discrimination, Discriminatory Harassment, and Sexual Harassment Dispute Resolution

In Washington State, each student should have equal access to public education without discrimination. If parents, students, school staff, or community members believe that a student has experienced discrimination or discriminatory harassment, there are steps they can take to resolve these concerns and eliminate the conduct or conditions that led to the problem.

**Discrimination** is the unfair or unequal treatment or harassment of a person because they are part of a group, defined by law, as a **protected class**. A protected class is a group of people who share common characteristics and are protected from discrimination and harassment under federal and state law.

These groups are protected classes under Washington State law:<sup>1</sup>

Race and color	Sexual orientation
National origin	Gender expression
Religion and creed	Gender identity
Sex	Veteran or military status
Disability	Use of a trained dog guide or service animal

**Discriminatory harassment** is harassment based on a protected class. It can take many forms. Threats, name-calling, derogatory jokes, physical assault, or other conduct that is physically threatening, harmful, or humiliating could be a few examples of discriminatory harassment.

**The Equity and Civil Rights Office at OSPI** can answer questions about rights and responsibilities under civil rights law and what you can do to resolve concerns about discrimination in your child's school. Be aware that we do not provide legal advice or advocate on anyone's behalf.

360-725-6162 | TTY 360-664-3631 | [equity@k12.wa.us](mailto:equity@k12.wa.us)

## **Talk to Your Civil Rights Compliance Coordinator. Try to Resolve the Issue.**

A discussion with your principal or the civil rights compliance coordinator at the school district is often the best action you can take to address your concerns. These staff members can make sure your student has equal access to all the programs and services your school has to offer.

This **informal first step** will bring your issue to the attention of school officials and could lead to a practical and beneficial solution quickly.

- **Focus on the facts** related to discrimination and harassment, as you understand them, AND
- Let the principal or coordinator know **what you want them to do to resolve the problem**

### **Civil Rights Coordinators Play an Important Role**

We encourage families and district and school staff to work closely to resolve disagreements and concerns about discrimination and discriminatory harassment at the local level.

Get in touch with your district's **civil rights compliance coordinator**. Find the contact list at OSPI's Equity and Civil Rights website, [www.k12.wa.us/Equity/ContactList.aspx](http://www.k12.wa.us/Equity/ContactList.aspx).

<sup>1</sup> Chapter 28A.642 RCW, <http://app.leg.wa.gov/rcw/default.aspx?cite=28A.642>. Chapter 28A.640 RCW, <http://app.leg.wa.gov/rcw/default.aspx?cite=28A.640>. Chapter 49.60 RCW, <http://app.leg.wa.gov/rcw/default.aspx?cite=49.60>.



# Discrimination, Discriminatory Harassment, and Sexual Harassment Dispute Resolution

## File a Complaint of Discrimination Based on Protected Class<sup>2</sup>

Anyone can file a formal complaint that alleges discrimination in a Washington public school based on a protected class. *Anyone* could include parents, students, teachers, administrators, and advocates.

Important! Complaints related to special education, federal education programs, or unprofessional conduct by a certificated teacher or educator each follow a unique process. Find information about these complaint options on page 5.

We encourage you to follow the complaint procedure closely. If you have questions, go directly to your district or charter school and ask for the information you need to move forward.

### Step 1. Write Out Your Complaint

1. Describe the conduct or incident. Use facts: what, who, and when.
2. Explain why you believe discrimination has taken place.
3. Describe what actions you believe the district or charter school should take to resolve the problem.

**Send your written complaint**—by mail, fax, email, or hand delivery—to the district superintendent, charter school administrator, or civil rights compliance coordinator. OSPI maintains a list of websites for all state school districts. Contact information should be on these websites, <http://www.k12.wa.us/Maps/SDmainmap.aspx>.

#### Deadline for Filing a Complaint

School districts and charter schools are allowed to adopt a filing deadline for complaints. This deadline must be **at least one year** after the incident or conduct—the subject of the complaint—took place. Find out if your district or charter school imposes a deadline for filing a complaint related to discrimination.

### Step 2. School District or Charter School Investigates Your Complaint

Your civil rights coordinator has an important role to play once the school district or charter school receives your written complaint. The coordinator must:

- Give you a copy of the procedure to follow for discrimination complaints
- Make sure a prompt and thorough investigation takes place

Important! At this point, you could decide to resolve your complaint immediately instead of proceeding with the investigation.

#### 30 Calendar Days and the Extended Deadline

Once the district or charter school receives your written complaint, the superintendent or administrator must respond to you in writing within **30 calendar days**—unless you agree on a different time period.

If your complaint involves **exceptional circumstances** that demand a lengthier investigation, the district or charter school must notify you in writing and state **(1)** why staff need this time extension and **(2)** a new date for their written response.

<sup>2</sup> WAC 392-190-065, <http://apps.leg.wa.gov/wac/default.aspx?cite=392-190-065>.





# Discrimination, Discriminatory Harassment, and Sexual Harassment Dispute Resolution

## Step 3. School District or Charter School Responds to Your Complaint

In its written response, the district or charter school must include this information:

- Summary of the results of the investigation
- Determination that states clearly whether or not the district or charter school failed to comply with civil rights law
- Notification that you can appeal this determination: how and where to file a formal appeal, and to whom it must be addressed
- Any measures, determined through the investigation, necessary to bring the district or charter school into compliance with civil rights law

Any necessary corrective measures must be put into effect within **30 calendar days** after this written response—unless you agree to a different time period.

### Mediation

**Mediation is an option** you could consider. Under state law, school districts and charter schools can offer—at their own expense—the option to resolve complaints through an impartial mediator.<sup>3</sup>

Mediation must be voluntary on the part of parents and guardians. If you decide to use a mediator, it is possible to extend the 30-calendar day time period during which the district or charter school must respond to your complaint.

Important! Be aware that OSPI does not approve, endorse, or enforce agreements reached through mediation.

### Appeal the Determination of Your Discrimination Complaint<sup>4</sup>

School districts and charter schools must have a complaint process in place with an option to appeal. Appeals must be made to an official or board not involved in the complaint.

If you do not agree with the determination that follows the district's or charter school's investigation of your complaint, you can **file a formal appeal**. We encourage you to follow the appeal procedure closely. If you have questions, go directly to your district or charter school and ask for the information you need to move forward.

Important! Information about the appeal process should be included in the written response you receive once the district or charter school has completed their investigation—*how and where to file a formal appeal, and to whom it must be addressed*.

### Deadline for Filing an Appeal

School districts and charter schools are allowed to adopt a filing deadline for appeals. This deadline must be no shorter than **10 calendar days** from the date you received the written response to the investigation that followed from your formal complaint. Find out if your district or charter school imposes a deadline for filing an appeal related to complaints of discrimination.

<sup>3</sup> WAC 392-190-0751, <http://apps.leg.wa.gov/wac/default.aspx?cite=392-190-0751>.

<sup>4</sup> WAC 392-190-070, <http://apps.leg.wa.gov/wac/default.aspx?cite=392-190-070>.



# Discrimination, Discriminatory Harassment, and Sexual Harassment Dispute Resolution

## 30 Calendar Days to Respond to Your Appeal

Once the district or charter school receives your appeal, the superintendent or administrator must respond to you in writing—within 30 calendar days—unless you agree on a different time period.

Important! The appeal decision must include how to file a complaint with OSPI. If you do not agree with the appeal decision, state law provides the option to file a formal complaint with OSPI.

## File a Complaint to OSPI Based on an Appeal Decision<sup>5</sup>

### Step 1. Write Out and Send Your Complaint

#### State-Level Complaint Follows Local Complaint and Appeal Process

This is a separate complaint process that can take place if **one of these two conditions** has occurred: **(1)** you have completed the formal complaint and appeal process of your school district or charter school, or **(2)** the school district or charter school has not followed the complaint and appeal process correctly.

#### Make sure you include these details:

- Describe the conduct or incident. Use facts: what, who and when
- Explain why you believe discrimination has taken place
- Your name and contact information—including a mailing address
- The name and address of the school district or charter school that is the subject of your complaint
- A copy of the complaint determination and appeal decision from the district or charter school
- Describe what actions you believe the district or charter school should take to resolve the problem

If your complaint relates to a specific student, make sure you include **(1)** the name and address of the student, and **(2)** the school and school district, or charter school, the student attends.

**Send your written complaint** to the Equity and Civil Rights Office at the Office of Superintendent of Public Instruction.

Email: [Equity@k12.wa.us](mailto:Equity@k12.wa.us) | Fax: 360-664-2967

Mail or hand deliver to:

Equity and Civil Rights Office, Office of Superintendent of Public Instruction  
PO Box 47200, 600 Washington St. S.E., Olympia, WA 98504-7200

#### Deadline for Filing a Complaint to OSPI

You have **20 calendar days** to file a complaint to OSPI from the day you received the decision on your appeal from the district or charter school—unless OSPI extends this deadline based on circumstances.

<sup>5</sup> WAC 392-190-075, <http://apps.leg.wa.gov/wac/default.aspx?cite=392.190.065>.





# Discrimination, Discriminatory Harassment, and Sexual Harassment Dispute Resolution

## Step 2. OSPI Responds to Your Complaint

Staff at OSPI will review your complaint and decide whether or not to begin an investigation. If OSPI staff decide to investigate your complaint, they will send written notification to you and the district or charter school.

Important! At this point, you could decide to resolve your complaint immediately instead of proceeding with the investigation.

### OSPI will not investigate if your complaint:

- Is incomplete or arrives after the 20-calendar-day deadline
- Does not allege a violation of a civil rights law that OSPI enforces. Contact the Equity and Civil Rights Office for this information: 360-725-6162 | [equity@k12.wa.us](mailto:equity@k12.wa.us)
- Has not been brought to the attention of the district or charter school through the local complaint and appeal process.
- Was investigated by another state, federal, or local civil rights agency and OSPI expects a comparable resolution

If OSPI staff decide not to investigate your complaint, OSPI will send you written notification that explains this decision.

Once the investigation is complete, OSPI will send you a written decision that:

1. Addresses each allegation in the complaint, and
2. Details any corrective actions necessary to correct noncompliance.

## Related Complaints and Lawsuits

A related complaint or lawsuit could affect the resolution of your complaint. The school district, or OSPI, could decide to wait until the earlier complaint is resolved or there is a final decision in the lawsuit before staff respond in writing to your most recent complaint.

## Other Discrimination Complaint Options

### Office for Civil Rights (OCR), U.S. Department of Education

OCR enforces several federal civil rights laws, which prohibit discrimination in public schools on the basis of race, color, national origin, sex, disability, and age. File complaints with OCR within 180 calendar days of the date of the alleged discrimination.

206-607-1600 | TDD: 1-800-877-8339 | [OCR.Seattle@ed.gov](mailto:OCR.Seattle@ed.gov) | [www.ed.gov/ocr](http://www.ed.gov/ocr)

### Washington State Human Rights Commission (WSHRC)

WSHRC enforces the Washington Law Against Discrimination (RCW 49.60), which prohibits discrimination in employment and in places of public accommodation, including schools. File complaints with WSHRC within six months of the date of the alleged discrimination.

1-800-233-3247 | TTY: 1-800-300-7525 | [www.hum.wa.gov](http://www.hum.wa.gov)

### U.S. Department of Justice (DOJ), Educational Opportunities Section

DOJ enforces federal civil rights laws that prohibit discrimination on the basis of race, color, national origin, sex, disability, and religion in public schools.

1-877-292-3804 | TTY: 202-514-0716 | [education@usdoj.gov](mailto:education@usdoj.gov) | [www.justice.gov/crt/about/edu/](http://www.justice.gov/crt/about/edu/)



# Discrimination, Discriminatory Harassment, and Sexual Harassment Dispute Resolution

## Complaints Related to Special Education, Teachers, and Federal Programs

### Special Education Dispute Resolution Options

If you believe that a school district has failed to provide a service identified in a student's Individualized Education Program (IEP), has denied your student a free appropriate public education, or has not met any other state or federal requirements related to special education, you can file a formal complaint or request a due process hearing.

360-725-6075 | TTY: 360-586-0126 | [www.k12.wa.us/SpecialEd/Families/Complaints.aspx](http://www.k12.wa.us/SpecialEd/Families/Complaints.aspx)

### Complaints about Teachers and Certificated Educators

You can use a special complaint process for allegations that a certificated employee has committed an act of unprofessional conduct or lacks good moral character or personal fitness.

360-725-6130 | TTY: 360-664-3631 | [opp@k12.wa.us](mailto:opp@k12.wa.us) | [www.k12.wa.us/ProfPractices](http://www.k12.wa.us/ProfPractices)

### Federal Programs Citizen Complaint

A special complaint process applies to allegations that a school district or OSPI has violated a state or federal law or regulation that applies to a federal program under the Elementary and Secondary Education Act.

360-725-6100 | TTY: 360-664-3631 | [www.k12.wa.us/TitleI/CitizenComplaint.aspx](http://www.k12.wa.us/TitleI/CitizenComplaint.aspx)

## Learn More. Ask Questions. Get Help.

### Equity and Civil Rights at the Office of Superintendent of Public Instruction

360-725-6162 | TTY: 360-664-3631 | [equity@k12.wa.us](mailto:equity@k12.wa.us) | [www.k12.wa.us/equity](http://www.k12.wa.us/equity)

### For the Civil Rights Compliance Coordinator in your district, visit:

[www.k12.wa.us/Equity/ContactList.aspx](http://www.k12.wa.us/Equity/ContactList.aspx)

Find more information about discrimination and harassment, guidelines for district policy and practice, and related resources, [www.k12.wa.us/equity](http://www.k12.wa.us/equity).

This document outlines rights and responsibilities under state and federal civil rights laws. You may have additional rights under other laws. This information is for educational and informational purposes only and is not intended to provide legal advice. For legal advice specific to the facts and circumstances of your individual situation, please contact an attorney.

OSPI provides equal access to all programs and services without discrimination based on sex, race, creed, religion, color, national origin, age, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, disability, or the use of a trained dog guide or service animal by a person with a disability. Questions and complaints of alleged discrimination should be directed to the Equity and Civil Rights Director at 360-725-6162/TTY: 360-664-3631; or P.O. Box 47200, Olympia, WA 98504-7200; or [equity@k12.wa.us](mailto:equity@k12.wa.us).

