POLICY NO. 5090
Adopted: 1-13-16

STUDENT NONDISCRIMINATION

POLICY:

Nondiscrimination

The Lake Stevens School District will provide equal educational opportunity and treatment for all students in all aspects of the academic and activities program without discrimination based on race, religion, creed, color, national origin, age, honorably-discharged veteran or military status, sex, sexual orientation, gender expression or identity, marital status, the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability. The District will provide equal access to school facilities to the Boy Scouts of America and all other designated youth groups listed in Title 36 of the United States Code as a patriotic society. District programs will be free from sexual harassment.

Conduct against any student that is based on one of the categories listed above that is sufficiently severe, persistent, or pervasive as to limit or deny the student's ability to participate in or benefit from the District's course offerings; educational programming; or any activity will not be tolerated. When a district employee knows, or reasonable should know, that such discriminatory harassment is occurring or has occurred, the District will take prompt and effective steps reasonably calculated to end the harassment, prevent its recurrence, and remedy its effects.

The Lake Stevens School District's nondiscrimination statement will be included in all written announcements, notices, recruitment materials, employment applications, and other publications made available to all students, parents, or employees. The statement will include notice that the District will not discriminate in any programs or activities on the basis of any of the above-listed categories, the name and contact information of the District's Compliance Officer designated to ensure compliance with this policy, and the names and contact information of the District's Section 504 and Title IX Compliance Officers.

The Lake Stevens School District will annually publish notice reasonably calculated to inform students, students' parent/guardians (in a language that they can understand, which may require language assistance), and employees of the District's discrimination complaint procedure.

The Superintendent will designate a staff member to serve as the Compliance Officer for this policy. The Compliance Officer will be responsible for investigating any discrimination complaints communicated to the District.

The District will provide training to administrators and certificated and classroom personnel regarding their responsibilities under this policy and to raise awareness of

and eliminate bias and discrimination based on the protected classes identified in this policy.

Legal References:

Chapter 28A.640 RCW Sexual Equality
Chapter 28A.642 RCW Discrimination prohibition
Chapter 49.60 RCWDiscrimination — Human rights commission
Chapter 392-190 WAC Equal Educational Opportunity — Unlawful Discrimination Prohibited
WAC 392-400-215 Student rights
42 U.S.C. §§ 12101-12213 Americans with Disabilities Act
42 U.S.C. §§ 7905 Boy Scouts of America Equal Access Act
20 U.S.C. §§ 1232g Family Educational Rights and Privacy Act
34 CFR part 99

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Policy No. 5580: Harassment
Policy No. 6260: Interscholastic Athletics
Policy No. 4005: Affirmative Action
Policy No. 4007: Equity in Education
Policy No. 6020: Service Animals in the Schools
Policy No. 6008: Instructional Materials

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PROCEDURES:

Anyone may file a complaint against the District alleging that the District has violated antidiscrimination laws. 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 the nondiscrimination policy.

A. Grievance means a complaint which has been filed by a complainant relating to alleged violations of any state or federal antidiscrimination laws.

B. Complaint means a written, signed charge alleging specific acts, conditions, or circumstances which are in violation of the antidiscrimination laws.

C. Respondent means the person alleged to be responsible or who may be responsible for the violation alleged in the complaint.

D. The time period for filing a complaint is one year from the date of the occurrence that is the subject matter of the complaint. However, a complaint filing deadline may not be imposed if the complainant was prevented from filing due to (1) specific misrepresentations by the District that it had resolved the problem forming the basis of the complaint or (2) withholding of information that the District was required to provide under WAC 392-190-065 or WAC 392-190-005. Complaints may be submitted by mail, fax, e-mail, or hand-delivery to any district employee, school, or to the District Compliance Officer responsible for investigating discrimination complaints. Any district employee who receives a complaint that meets these criteria will promptly notify the 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 his/her right to file a grievance under this policy and procedure and from retaliating against an individual for filing such a grievance.

A. <u>Informal Complaint Process</u>

Anyone with an allegation of discrimination may request an informal meeting with the Compliance Officer or designated employee to resolve his/her concerns. Such a meeting will be at the option of the complainant. If unable to resolve the issue at this meeting, the complainant may submit a written complaint to the Compliance Officer. During the course of the informal process, the District must notify the complainant of his/her right to file a formal complaint.

B. Formal Complaint Process

Level One: Complaint to District

The complaint must set forth the specific acts, conditions, or circumstances alleged to be in violation. Upon receipt of a complaint, the Compliance Officer will provide the complainant a copy of this procedure. The Compliance Officer will investigate the allegations within thirty (30) calendar days. The District and complainant may agree to resolve the complaint in lieu of an investigation. The Compliance Officer shall provide the Superintendent with a full written report of the complaint and the results of the investigation.

The Superintendent or designated Compliance Officer will respond to the complainant with a written decision as expeditiously as possible, but in no event, later than thirty (30) calendar days following receipt of 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. In the event an extension is needed, the District will notify the complainant in writing of the reason for the extension and the anticipated response date. At the time the District responds to the complainant, the District must send a copy of the response to the Office of the Superintendent of Public Instruction.

The decision of the Superintendent or Compliance Officer will include: (1) a summary of the results of the investigation; (2) whether the District has failed to comply with antidiscrimination laws; (3) if noncompliance is found, corrective measures the District deems necessary to correct; and (4) notice of the complainant's right to appeal to the Board of Directors and the necessary filing information. The Superintendent's or Compliance Officer's response will be provided in a language the complainant can understand and may require language assistance for a complainant with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964.

Any corrective measures deemed necessary shall be instituted as expeditiously as possible, but in no event, later than thirty (30) calendar days following the Superintendent's or Compliance Officer's mailing of a

written response to the complaining party unless otherwise agreed to by the complainant.

Level Two: Appeal to the Board of Directors

If a complainant disagrees with the Superintendent's or Compliance Officer's written decision, the complainant may appeal the decision to the Board of Directors by filing a written notice of appeal with the Secretary of the Board within ten (10) calendar days following the date upon which the complainant received the response.

The Board shall schedule a hearing to commence by the twentieth (20th) calendar day following the filing of the written notice of appeal, unless otherwise agreed to by the complainant and the Superintendent or for good cause. Both parties shall be allowed to present such witnesses and testimony as the Board deems relevant and material. Unless otherwise agreed to by the complainant, the Board will render a written decision within thirty (30) calendar days following the filing of the notice of appeal and provide the complainant with a copy of the decision. The decision of the Board will be provided in a language the complainant can understand, which may require language assistance for a complainant with limited English proficiency in accordance with Title VI of the Civil Rights Act. The decision 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. The District will send a copy of the appeal decision to the OSPI.

Level Three: Complaint to the Superintendent of Public Instruction

If a complainant disagrees with the decision of the Board of Directors, then he/she may file a complaint with the Superintendent of Public Instruction.

A complaint must be received by the Superintendent of Public Instruction on or before the twentieth (20) calendar day following the date upon which the complainant received written notice of the Board of Directors' decision, unless the 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: (1) a description of the specific acts, conditions, or circumstances alleged to violate applicable anti-discrimination laws; (2) the name and contact information, including address, of the complainant; (3) the name and address of the District; (4) a copy of the District's complaint and appeal decision, if any; and (5) a proposed resolution of the complaint or relief requested. If the allegations regard a specific student, the complaint must also include the name and

address of the student; or in the case of a homeless child or youth, contact information.

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, 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

If the complainant or District desires to appeal the written decision of the OSPI, they may file a written notice of appeal with OSPI within thirty (30) calendar days following the date of receipt of that office's written decision. OSPI will conduct a formal administrative hearing in conformance with the Administrative Procedures Act, Chapter 34.05, RCW.

C. 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, will be retained in the office of the Compliance Officer for a period of six years.