

Understanding how to make a complaint of unlawful discrimination with your school

The Office of Superintendent of Public Instruction (OSPI) is the agency responsible for overseeing K-12 public education in Washington state. Within OSPI, the Equity and Civil Rights Office provides technical assistance to school districts, parents and students with issues related to state and federal nondiscrimination laws.

What is “discrimination?”

Discrimination is the unfair or unequal treatment of a person or a group because they are part of a defined group, known as a protected class. Discrimination can occur when a person is treated differently, or denied access to programs, services or activities because they are part of a protected class. Discrimination can also occur when a school or school district fails to accommodate a student or employee’s disability.

Harassment (based on protected class) and sexual harassment can be forms of discrimination when it creates a hostile environment.

What is a Protected Class?

A protected class is a group of people who share common characteristics and are protected from discrimination and harassment by federal and state laws. Protected classes defined by Washington State Law include:

- Sex
- Race/Color
- Creed/Religion
- National origin
- Disability or the use of a trained dog guide or service animal
- Sexual orientation, including gender expression or identity
- Honorably discharged veteran or military status



What should I do if I believe my child is being discriminated against?

You must report your concerns to your child’s teacher or principal **immediately!** This will allow the school to respond to the situation as soon as possible.

If you cannot meet with the teacher or principal, you can always contact your school district’s main office. Each school district will have someone who is responsible for responding to complaints about discrimination. Sometimes this person is called the Title IX Coordinator or for issues related to disability, the Section 504 Coordinator.

When a problem cannot be resolved with a meeting, you have the right to file a complaint with the School District. You also have the right to contact the following agencies at any time to request an investigation into your allegation of discrimination:

MISD Harassment, Intimidation and Bullying Compliance Officer
Erin Battersby, Senior Director for Legal Affairs
206-230-6227

MISD Civil Rights and Affirmative Action Officer and Non-Discrimination Compliance Coordinator
Erin Battersby, Senior Director for Legal Affairs
206-230-6227

MISD Title IX Compliance Officer
Erin Battersby, Senior Director for Legal Affairs
206-230-6227

MISD Section 504 and ADA Coordinator
Lindsay Myatch, Assistant Director of Learning Services; SpEd
206-236-3326

Office for Civil Rights, U.S. Department of Education
915 Second Avenue, Room 3310
Seattle, WA 98174-1099
(206) 607-1600 / TDD: (877) 521-2172
www2.ed.gov/about/offices/list/ocr

Washington State Human Rights Commission
P.O. Box 42490
Olympia, WA 98504-2490
(360) 753-6770 / Toll Free: (800) 233-3247 / TTY: (800) 300-7525
www.hum.wa.gov

What if I can't resolve the problem with the School?

If you cannot resolve your concern you may wish to file a complaint with the School District.

Anyone can file a complaint with the School District

You can file a formal complaint by writing a letter to your Superintendent that *describes what happened and why you think it is discrimination*. It is helpful to include what you want the district to do. Your letter must be signed.

What will the District do?

The employee designated by the district to receive complaints will investigate your allegations and provide the Superintendent with a written report of the complaint, and the results of the investigation. You and the district may also agree to resolve your complaint in lieu of an investigation.

What will the District Superintendent do?

The Superintendent will send you a written letter within **30 calendar days** which will either deny your allegations or describe the reasonable actions the district will take. The letter will include how to file an appeal with your School Board if you do not agree with the Superintendent's decision.

Corrective measures must occur no later than **30 calendar days** of the Superintendent's letter.

What if I don't agree with the Superintendent's decision or no one responds to my letter?

Your next step is to appeal to the School Board.

What is an appeal?

An appeal is a request to change an official decision.

How do I file an appeal to the School Board?

You can file an appeal by writing a letter to your School Board. The letter must include the part of the Superintendent's written decision that you would like to appeal and what you want the district to do.

Your letter must be filed with the Secretary of your School Board by the **10th calendar day** after you received the Superintendent's response letter.

What will the School Board do?

The School Board will schedule a hearing within **20 calendar days** after they receive your appeal letter. You may also all agree on a different date.

What will happen at the Hearing?

You will explain why you disagree with the Superintendent's decision. You may bring witnesses or other information that is related to your appeal.

The board will send you a copy of their decision within **10 calendar days** after the hearing. The decision will include how to appeal to the Office of Superintendent of Public Instruction if you disagree.

What if I don't agree with the School Board's decision?

You may appeal the School Board's decision to the Office of Superintendent of Public Instruction (OSPI).

How do I file an appeal to OSPI?

You can file an appeal by writing a letter to the Office of Superintendent of Public Instruction. The letter must include the part of the School Board's decision that you would like to appeal and what you want the district to do.

Your signed letter must be received by OSPI by the **20th calendar day** of receiving the school board's decision. It can be hand-delivered or mailed to:

OSPI
Administrative Resource Services
P.O. Box 47200
Olympia, WA 98504-7200
Phone (360) 725-6133

What will OSPI do?

OSPI will schedule a hearing with an Administrative Law Judge through the Office of Administrative Hearings (OAH). During this process you will be provided information about the hearing.

At the hearing you will explain why you disagree with the School Board's decision. You may bring witnesses or other information that is related to your appeal. After the hearing, you will receive a copy of the judge's decision.



Equity and Civil Rights
Office of Superintendent of Public Instruction
P.O. Box 47200; Olympia, WA 98504-7200
(360) 725-6162 Fax: (360) 664-2967
TTY: (360) 664-3631
E-mail: equity@k12.wa.us
April 20, 2011

Learn more at: www.k12.wa.us/Equity

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 including gender expression or identity, 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. Questions and complaints of alleged discrimination can be directed to the Equity and Civil Rights Director, (360) 725-6162 or P.O. Box 47200; Olympia, WA 98504.