How to File a Complaint about Discrimination in a Washington Public School

Before filing a complaint, you may wish to discuss your concerns with your child’s principal or with the Compliance Coordinator at your school district or charter school. This is often the fastest way to resolve your concerns.

+ What is discrimination?
+ What is a protected class?

How do I file a formal complaint about discrimination?
Anyone can file a formal complaint about discrimination in a Washington K–12 public school, including parents, students, teachers, administrators, and advocates. Please see the instructions below.

This complaint procedure applies only to allegations of discrimination based on sex, race, color, religion, creed, national origin, disability, sexual orientation, gender expression, gender identity, honorably discharged veteran or military status, or the use of a trained dog guide or service animal. If you have a complaint about special education, a federal program, or unprofessional conduct by a certificated teacher or educator, please see the other complaint options in the box to the right.

- Step 1: Complaint to Superintendent or Charter School Administrator
- Step 2: Appeal to School District or Charter

Other Complaint Options

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

Washington State Human Rights Commission (WSHRC)
WSHRC enforces the Washington
Step 1: Complaint to School District/Charter School
(WAC 392-190-065)

What do I include in my complaint?
A complaint must be in writing, describe what happened, and state why you believe it is discrimination. It is helpful to include what actions you would like the school district or charter school to take to resolve your complaint.

Where do I send my complaint?
Complaints may be submitted by mail, fax, e-mail, or hand delivery to any district, school, or charter school administrator or Compliance Coordinator.

Is there a deadline to file a complaint?
Maybe. A school district or public charter school may establish a complaint filing deadline. The filing deadline must be no less than one year after the event that is the subject of the complaint. Check your school district’s or charter school’s discrimination complaint procedure or ask your school if there is a filing deadline for discrimination complaints.

What will the school district or charter school do with my complaint?
When the school district or charter school receives your written complaint, the Compliance Coordinator must give you a
copy of the discrimination complaint procedure. The Compliance Coordinator will then make sure that the school district or charter school conducts a prompt and thorough investigation. You may also agree to resolve your complaint in lieu of an investigation.

**When will the school district or charter school respond to my complaint?**
The school district or charter school must respond to you in writing within **30 calendar days** after receiving your complaint, unless you agree on a different date. If exceptional circumstances related to the complaint require an extension of the time limit, the school district or charter school must notify you in writing about the reasons for the extension and the anticipated response date.

**What will the school district or charter school include in its response?**
When the school district or charter school responds to your complaint, it must include:

1. A summary of the results of the investigation;
2. Whether or not the school district or charter school has failed to comply with civil rights requirements related to the complaint;
3. Notice of your right to appeal, including where and to whom the appeal must be filed; and
4. Any corrective measures determined necessary to correct any noncompliance. All corrective measures must be instituted within **30 calendar days** after the district’s or charter school identified in your student’s IEP, has denied your student FAPE, or has not met any other state or federal requirements related to special education, there are three formal dispute resolution options to resolve your disagreement.

**Complaints about Teachers and Certificated Educators**
This complaint process applies to any complaint that a certificated employee has committed an act of unprofessional conduct or lacks good moral character or personal fitness.

**Federal Programs**
school’s response, unless you agree otherwise.

**May a school district or charter school offer mediation to resolve a complaint?**

Yes. A school district or charter school has the option to offer mediation, at the district’s or charter school’s expense, to resolve complaints at any time. The purpose of mediation is to offer you an opportunity to reach a mutually acceptable agreement through the use of an impartial mediator. Mediation must be voluntary, and you may agree to extend the complaint timelines to pursue mediation. OSPI does not approve, endorse, or enforce agreements reached during mediation.

**What happens if I also file a complaint with another agency or file a lawsuit regarding the same issue?**

If the same claims are at issue, the school district or charter school may wait to resolve your complaint until a final decision has been reached regarding your other complaint or lawsuit.

**What if I don’t agree with the school district’s or charter school’s decision?**

You may appeal the school district’s or charter school’s decision (see Step 2 below).

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**Step 2: Appeal to School District/Charter School**

(WAC 392-190-070)
How do I appeal the school district’s or charter school’s decision from Step 1 (above)?
The district’s or charter school’s discrimination complaint procedure must provide an option to appeal the decision to a party or board that was not involved in the initial complaint or investigation. The district’s or charter school’s response to your original complaint must explain how to appeal.

Check your school district’s or charter school’s discrimination complaint procedure or ask your district or charter school for more information about how to file an appeal with your particular district or charter school.

Is there a deadline to file an appeal?
Maybe. A school district or charter school may establish a time limit to file appeals. Appeal time limits must be no less than 10 calendar days from the date you received the district’s or charter school’s response in Step 1. Check your school district’s or charter school’s discrimination complaint procedure or ask your school if there is a filing deadline for an appeal.

When will the school district or charter school respond to my appeal?
The school district or charter school must respond to you in writing within 30 calendar days after receiving your appeal, unless you agree on a different date. The appeal decision must include how to file a complaint with OSPI.

What if I don’t agree with the appeal
**Step 3: Complaint to OSPI**

*WAC 392-190-075*

**When can I file a complaint directly with OSPI?**

If you disagree with a school district’s or charter school’s appeal decision (see Step 2), you may file a complaint with OSPI. Complaints cannot be filed with OSPI unless they have been raised with the school district or charter school and appealed, as outlined in Steps 1 and 2 above.

You may also file a complaint with OSPI if the school district or charter school doesn’t follow the correct complaint and appeal procedures described in Steps 1 and 2.

**Is there a deadline to file a complaint with OSPI?**

Yes. Your complaint must be received by OSPI within **20 calendar days** after you received the district’s or charter school’s written appeal decision in Step 2, unless OSPI grants an extension for good cause.

If the district or charter school did not issue a timely appeal decision in Step 2, you may appeal within 20 calendar days after the deadline for the district’s or charter school’s
response to your appeal.

**What do I include in my complaint?**
The complaint must be in writing and include:

1. A description of the specifics acts, conditions, or circumstances believed to be discriminatory and the facts on which the complaint is based;
2. Your name and contact information, including a mailing address;
3. The name and address of the school district or charter school subject to the complaint;
4. A copy of the school district’s or charter school’s complaint and appeal decisions from Steps 1 and 2;
5. A proposed resolution of the complaint or relief requested; and
6. If the complaint regards a specific student, also include the name and address of the student and the name of the school and school district, or charter school, the student attends.

**Where do I send my complaint?**
You may send your complaint by mail, e-mail, fax, or hand delivery to:

*E-mail:* Equity@k12.wa.us

*Fax:* (360) 664-2967

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

**What will OSPI do with my complaint?**
When OSPI receives your complaint, it will evaluate the complaint to determine if it will initiate an investigation into whether the school district or charter school has failed to comply with civil rights requirements. A complaint will not be opened for investigation if:

- The complaint does not allege a violation of a civil rights law that OSPI enforces
- The complaint has not already been brought to the district’s or charter school’s attention under Steps 1 or 2 above
- The allegations raised in the complaint have been resolved
- The complaint is untimely
- The complaint is incomplete
- The complaint has been investigated by another state, federal, or local civil rights agency and the resolution meets OSPI’s monitoring standards and OSPI anticipates that there would be a comparable resolution under this process

OSPI will notify you and the school district or charter school if it will investigate the complaint. After an investigation, OSPI will send you a written decision that addresses each allegation in the complaint and any corrective actions deemed necessary to correct any noncompliance.
A complaint may also be resolved at any time if OSPI determines that the resolution of a complaint is appropriate or if you and the district or charter school agree to resolve the complaint.

**What happens if I also file a complaint with another agency or file a lawsuit regarding the same issue?**
If the same claims are at issue, OSPI may wait to resolve your complaint until a final decision has been reached regarding your other complaint or lawsuit.