

# Nondiscrimination Policy and Discrimination Complaint Procedure

## I. Policy and Procedure Scope

The following policy and procedure applies to SBE services, programs, and activities.

## II. Nondiscrimination Policy

The State Board of Education (SBE) provides equal access to all services, programs and activities without discrimination based on sex, race, creed, religion, color, national origin, age, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, status as a mother breastfeeding her child, 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.

## III. Notice under the Americans with Disabilities Act

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), SBE will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: SBE does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: SBE will, upon request and if feasible, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in SBE's services, programs, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

### Website Accessibility

The State Board of Education is committed to providing access to all individuals seeking information on our website, including persons with disabilities.

If you wish to report an issue related to the accessibility of any content on this website you may do so in any of the following ways:

- Complete the online form [\[LINK TO FORM\]](#). Please include the web address or URL along with a detailed description of the problems you have encountered.
- Email [sbe@k12.wa.us](mailto:sbe@k12.wa.us). Please include the web address or URL along with a detailed description of the problems you have encountered.
- Submit written correspondence to: Communications Manager, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206. In your correspondence, please include the

web address or URL along with a detailed description of the problems you have encountered.

If you would like to file a formal grievance with the board under Section 504 and Title II, please notify the State Board of Education's Communications Manager in writing:

Communications Manager

Email: [sbe@k12.wa.us](mailto:sbe@k12.wa.us)

Mail: P.O. Box 47206, Olympia, WA 98504-7206

Modifications to Policies and Procedures: SBE will make reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy its services, programs, and activities. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a service, program, or activity of SBE, should contact the SBE Communications Manager as soon as possible but no later than 48 hours before the scheduled event. The ADA does not require SBE to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden. SBE will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy.

Requests for assistance with accessibility or complaints that a service, program, or activity of SBE is not accessible to persons with disabilities should be directed to the SBE Communications Manager at:

SBE Communications Manager  
P.O. Box 47206  
Olympia, WA 98504  
(360) 725-6025/TTY: (360) 664-3631

#### **IV. Discrimination Complaint Procedure**

##### **Purpose**

This procedure is intended to resolve complaints alleging that the State Board of Education (SBE) has discriminated in its provision of services, programs, or activities on the basis of sex, race, creed, religion, color, national origin, age, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, status as a mother breastfeeding her child, 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.

Such a procedure is necessary to meet the requirements of Title II of the Americans with Disabilities Act of 1990, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973. The procedure also applies to complaints of alleged violations of

Title VI of the Civil Rights Act of 1964 and the Washington Law Against Discrimination (chapter 49.60 RCW).

### **Procedure**

This complaint procedure may be used by anyone who wishes to file a complaint alleging discrimination by SBE on the basis of sex, race, creed, religion, color, national origin, sexual orientation, gender expression or identity, honorably discharged veteran or military status, status as a mother breastfeeding her child, disability, or the use of a trained dog guide or service animal by a person with a disability.

### **Level One**

A complaint must be written and signed, and must explain the specific acts, conditions, or circumstances alleged to be discriminatory on the basis of sex, race, creed, religion, color, national origin, age, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, status as a mother breastfeeding her child, 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 complaint must also include the name and address of the complainant. Persons with disabilities may request an alternative means of filing a complaint, such as a personal interview or a tape recording of the complaint, by contacting SBE's Communications Manager at (360) 725-6025/TTY: (360) 664-3631.

The complaint should be submitted as soon as possible, but no later than 60 calendar days after the alleged violation. Complaints may be submitted in person or by mail:

SBE Communications Manager  
600 Washington Street SE  
P.O. Box 47206  
Olympia, WA 98504

Upon receipt of the complaint, SBE will designate an employee to investigate the complaint. The investigation will start within 10 business days after SBE receives the complaint. The investigator will provide SBE's Communications Manager and SBE's Executive Director, or his/her designee, with a written report of the results of the investigation no later than 60 calendar days after receiving the complaint, unless an extension of the time limit is approved by the Executive Director on the basis of exceptional circumstances with respect to a particular complaint.

The Communications Manager, or his/her designee, will respond to the complainant in writing within 10 business days after receiving the investigation report. SBE will translate this response for complainants with limited English proficiency, as needed. Where appropriate, the response may also be provided in a format accessible to the complainant, such as large print, Braille, or

audio tape. The response will state that either: (1) the allegations are denied and the basis for the denial; or (2) the reasonable corrective measures necessary to correct any violation.

Any corrective measures will be instituted within 30 calendar days from the date of this response, unless otherwise stated in the response for specified reasons or as agreed to by the complainant.

### **Level Two**

If the complainant disagrees with SBE's written decision, the complainant may appeal to SBE's Executive Director within 30 calendar days after receiving SBE's written decision. The appeal may be submitted in person or by mail to the address above.

Once SBE receives an appeal, the SBE's Executive Director, or his/her designee, will review the appeal and the results of the initial investigation. The SBE's Executive Director, or his/her designee, may request additional information from the complainant, and may contact the complainant to discuss the complaint and possible resolutions. The SBE's Executive Director, or his/her designee, will respond in writing to the complainant with the final resolution of the complaint as quickly as possible, but in no event later than 60 calendar days after receiving the appeal. SBE will translate this response for complainants with limited English proficiency, as needed. Where appropriate, the response may also be provided in a format accessible to the complainant, such as large print, Braille, or audio tape.

### **Other**

At any time, the complainant may also seek resolution with any federal or state agencies empowered with the authority to resolve such a complaint.

### **Preservation of Records**

All written complaints and appeals received by SBE, and responses to such complaints and appeals, will be retained by SBE for three years (see State Government General Records Retention Schedule, GS 09016).