



EDMONDS SCHOOL DISTRICT NO. 15
Human Resources Division

November 2015	PROCEDURES FOR RESOLVING EQUAL EMPLOYMENT OPPORTUNITY, EQUAL EDUCATIONAL OPPORTUNITY, AND EQUAL ACCESS GRIEVANCES (ADA & 504)	III-F
---------------	--	-------

These procedures have been developed for the resolution of equal employment opportunity, equal educational opportunity, and equal access grievances against the Edmonds School District, its employees, or its contract service vendors. To ensure fairness and consistency, they are to be used to address grievances covered by State and Federal equal employment and educational opportunity laws, including the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973 (Section 504), and/or the District's Affirmative Action Plan. No person shall be adversely affected in any way because of the utilization of these procedures. A Title IX/Affirmative Action Officer, or designee, shall investigate all noncompliance allegations of discrimination. Grievances covered by special education laws shall be processed under special education procedures.

PROCEDURE

LEVEL I: INFORMAL RESOLUTION

With regard to ADA and Section 504 matters, a distinction is to be made between a request for accommodation and a grievance. A request for accommodation should be submitted to the appropriate authority (Executive Director, HR) as noted in the District's ADA Self-Evaluation and Remediation Plan. If the designated authority is unavailable, the District's Community Relations Manager may be contacted for assistance. The parties should cooperate to resolve any issues of accommodation through an informal dialogue prior to implementing the formal procedures outlined in Level II. A grievance is to be filed only in the event there is a complaint of noncompliance after a request for accommodation has been made.

LEVEL II: FORMAL RESOLUTION

- A. Grievances shall:
 - 1. be in writing;
 - 2. be signed by the grievant;
 - 3. set forth specific acts, conditions or circumstances alleged to be in violation of the district's obligations in regard to discrimination, inaccessibility, and/or failure to make accommodation.
- B. Upon receipt of a grievance, the Affirmative Action Officer or designee shall investigate the allegations set forth and shall coordinate reasonable procedures to affect a prompt resolution of the grievance. The investigation should be thorough and impartial and afford the complainant an opportunity to present witnesses and other evidence.
- C. If a resolution is reached, the Affirmative Action Officer will write a formal memorandum of agreement, to be signed by all affected parties.
- D. Upon completion of the investigation, but not later than thirty (30) days after the filing of the complaint, the Affirmative Action Officer will provide complainant and the Superintendent with a full written report of the results of the investigation.

- E. In cases where no mutually agreed upon resolution is reached, the Superintendent will respond in writing to the complainant within thirty (30) days of receipt of the investigative report.
- F. The response by the Superintendent shall state either: (1) that the District denies the allegations contained in the complaint; or (2) the nature of such reasonable corrective measures deemed necessary to eliminate any such act, condition, or circumstance within the District. The Superintendent's response must include notice of the complainant's right to appeal to the school board and identify where and to whom the appeal should be filed.
- G. Corrective measures deemed necessary shall be instituted as expeditiously as possible, but not later than 30 calendar days following the Superintendent's mailing of a written response to the complainant, unless otherwise agreed to by the complainant.

LEVEL III: APPEAL TO THE BOARD OF DIRECTORS

- A. In the event a grievant complainant remains aggrieved following a written response from the Superintendent, the grievant may appeal to the District's Board of Directors by filing a written notice of appeal with the Secretary of the School Board on or before the tenth (10th) calendar day following the date upon which the grievant received the Superintendent's written response.
- B. Upon receipt of the appeal, the Board of Directors shall schedule a hearing to commence on or before the twentieth (20th) calendar day following the filing of a written notice of appeal.
 - 1. Both parties shall be allowed to present such witnesses and testimony as the Board of Directors deem relevant and material.
 - 2. Unless otherwise agreed to by the complainant and the Superintendent, or for a good cause, the Board of Directors shall render a written decision on or before the tenth (10th) calendar day following the termination of the hearing and shall provide a copy to all parties involved. The decision of the Board shall include notice of the complainant's right to appeal to the Superintendent of Public Instruction and identify where and with whom the appeal must be filed.

LEVEL IV: APPEAL TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the event a grievant charging sex discrimination in violation of RCW 28A.640 or WAC 392-190 remains aggrieved with the decision of the Board of Directors, the complainant may appeal the Board's decision to the Superintendent of Public Instruction (SPI).

- A. A written notice of appeal must be received by the SPI on or before the twentieth (20th) calendar day following the date upon which the grievant received written notice of the Board of Directors' decision.
- B. The written notice of appeal must set forth:
 - 1. A concise statement of the original grievance and the portions of the Board of Directors' decision being appealed;
 - 2. The suggested recommendations for resolution or remediation of the alleged grievance set forth in the original statement of complaint.

The complaint procedure outlined above does not prohibit the processing of complaints by an employee pursuant to complaint procedures established in applicable collective bargaining agreements.

Cross Reference: Policy 6005