

**PUBLIC COMPLAINTS CONCERNING DISCRIMINATION**

The School Board recognizes that the district has primary responsibility for ensuring that it complies with state and federal laws and regulations governing educational programs. The Superintendent or designee shall establish procedures to investigate and seek to resolve complaints alleging unlawful discrimination related to educational programs and activities.

The Board acknowledges and respects student and employee rights to privacy. Complaints shall be investigated in a manner that protects these rights.

*(cf. 1340 – Access to District Records)*

*(cf. 4112.6 – Personnel Records)*

*(cf. 5125 – Student Records)*

The Board prohibits retaliation in any form for the filing of a complaint, the reporting of instances of discrimination, or for participation in complaint procedures.

*(cf. 0410 – Nondiscrimination in District Programs and Activities)*

*(cf. 1213.1 – Complaints Concerning School Personnel)*

*(cf. 1213.2 – Complaints Concerning Instructional Materials)*

*(cf. 5141.4 – Child Abuse and Neglect (Reporting Procedures))*

*Legal Reference: (See next page)*

**PUBLIC COMPLAINTS CONCERNING DISCRIMINATION** (continued)

*Legal Reference:*

ALASKA STATUTES

- 14.18.010 Discrimination based on sex and race prohibited*
- 14.18.020 Discrimination in employment prohibited*
- 14.18.090 Enforcement by State Board of Education*
- 14.18.100 Remedies (Sex or Race Discrimination)*

ALASKA ADMINISTRATIVE CODE

- 4 AAC 06.510 Discrimination in hiring practices.*
- 4 AAC 06.560 – 06.580 Violations; Prohibition Against Sex Discrimination*
- 4 AAC 52.500 – 52.629 Procedural Safeguards; Education for Exceptional Children*

TITLE VI, CIVIL RIGHTS ACT OF 1964

TITLE VII, CIVIL RIGHTS ACT OF 1964

TITLE IX, EDUCATION AMENDMENTS OF 1972

SECTION 504, REHABILITATION ACT OF 1973

34 CODE OF FEDERAL REGULATIONS

*200.74 and Part 300*

GENERAL EDUCATION PROVISIONS ACT, 20 U.S.C. 1221 et seq., especially:

FAMILY EDUCATIONAL RIGHTS AND PRIVACY RIGHTS ACT, 20 U.S.C. 1232g

CIVIL RIGHTS RESTORATION ACT

*20 U.S.C. 1683 et seq.*

VOCATIONAL REHABILITATION ACT OF 1973, SECTIONS 503 AND 504

*29 U.S.C. 791 et seq.*

AGE DISCRIMINATION IN EMPLOYMENT ACT

*29 U.S.C. 621 et seq.*

VIETNAM ERA VETERANS ACT

*38 U.S.C. 2011 et seq.*

AMERICANS WITH DISABILITIES ACT

*42 U.S.C. 12101 et seq.*

*Revised 9/97*

**PUBLIC COMPLAINTS CONCERNING DISCRIMINATION**

**Compliance Responsibility**

The Superintendent designates the following individual as the district's compliance officer responsible for receiving and investigating complaints concerning unlawful discrimination in district programs and activities:

Shannon Sines  
Director of Curriculum and Staff Development  
907-247-2142  
Mailing Address: 333 Schoenbar Road, Ketchikan, AK 99901

The compliance officer shall notify all parties involved when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made. The compliance officer shall maintain a record of each complaint and when it was received, attempts to resolve the complaint, including a record of any hearings, and the district's written decision regarding the complaint. The compliance officer shall ensure that a final decision regarding any complaint of unlawful sex or race discrimination is reached within 60 days of receipt of the complaint.

**Filing of Complaint**

Any district resident may file a written complaint of alleged noncompliance with the district compliance officer. If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other handicaps, district staff shall assist him/her to file the complaint.

**Investigation of Complaint**

The compliance officer shall hold an investigative meeting within five days of receiving the complaint or attempting to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative and the district's representatives to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses.

**PUBLIC COMPLAINTS CONCERNING DISCRIMINATION** (continued)

To ensure that all pertinent facts are made available, the compliance officer and the complainant may ask other individuals to attend this meeting and provide additional information.

**Written Decision**

Within 30 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, including:

1. The findings and disposition of the complaint, including corrective actions, if any.
2. The rationale for the above disposition.
3. Notice of the complainant's right to appeal the decision and procedures to be followed for initiating such an appeal.

**Appeal to the Board**

Within five days of receiving the district's written decision, the complainant may appeal the compliance officer's decision to the School Board. The Board shall consider the matter at its next regular Board meeting or at a special Board meeting convened in order to provide a Board hearing and written district decision within 60 days of the district's initial receipt of the complaint or within an extended time period that has been specified in a written agreement with the complainant.

**State or Federal Appeal**

If dissatisfied with the resolution of a complaint alleging unlawful sex or race discrimination, the complainant may file an appeal with the Commissioner of Education within 180 days of the alleged violation. (4 AAC 06.560)

If dissatisfied with the resolution of a complaint regarding a Title I program, the complainant may request its review by the U.S. Secretary of Education. (34 Code of Federal Regulations, 200.74)

*\* (Only revision – updating of designated compliance officer, 1/2015)*