



SCHOOL BOARD ACTION REPORT

DATE: May 21, 2020
FROM: Denise Juneau, Superintendent
LEAD STAFF: Clover Codd, Chief Human Resources Officer,
clcodd@seattleschools.org, 206-478-9948; Tina Meade, Director of
Investigations & Compliance (Designated HIB Compliance Officer);
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For Introduction: June 24, 2020
For Action: July 8, 2020

1. TITLE

Amend Board Policy No. 3207, Prohibition of Harassment, Intimidation, and Bullying

2. PURPOSE

This Board Action Report details the requirement to amend Board Policy No. 3207, Prohibition of Harassment, Intimidation, and Bullying (HIB), in order to comply with State law. That is, RCW 28A.600.477 requires all school districts in Washington to incorporate the Washington State School Directors' Association (WSSDA) model policy which was revised in response to changes in the law.

3. RECOMMENDED MOTION

I move that the School Board amend Board Policy No. 3207, Prohibition of Harassment, Intimidation, and Bullying, as attached to this Board Action Report.

4. BACKGROUND INFORMATION

- a. **Background:** Pursuant to RCW 28A.600.477, every school district is required to, as necessary, adopt or amend its policy regarding the prohibition against harassment, intimidation, or bullying of students and incorporate the Washington State School Directors' Association's (WSSDA) model policy. In spring 2019, the legislature passed SSB 5689, which required specific changes to WSSDA's model HIB policy. Consequently, the District is required to amend Policy 3207 in order to maintain compliance with State law.

The specific proposed revisions to Board Policy No. 3207 are as follows (and as detailed in the attached "track changes" version of the policy):

- **Change title of policy** to Prohibition of Harassment, Intimidation, ***or*** Bullying – **Students** (emphasis added) to highlight the delineation that harassment, intimidation, or bullying are three different behaviors, rather than promoting a conflation of all three behaviors into one category of HIB or "bullying"; and to differentiate between Policy 3207 and Policy 5207.

- **Differentiating between Policy 3207 and Policy 5207** whereby Policy 3207 applies when students are the targeted person and Policy 5207 applies when the targeted person is a District employee or volunteer.
- **Providing reference RCW 28A.642.010**, the statute identifying the protected classes, rather than listing out the specific protected classes;
- **Providing reference to RCW 28A.640.010**, the statute prohibiting discrimination on the basis of sex and inequality in the educational opportunities afforded to women and girls;
- **Explicit statement that “harassment,” “intimidation,” and “bullying” are separate, but related behaviors** and that each behavior must be addressed appropriately;
- **Change of the label of person allegedly engaging in the negative behavior** as “aggressor” versus “perpetrator”;
- **Requirement to convene a 504 Team or IEP Team if the aggressor or targeted student is a qualified student with a disability** to determine whether the alleged incident had an impact on the provision of a free appropriate public education (FAPE);
- **Addition of the protected activity of participating in an investigation** as possible grounds for a retaliation claim;
- **Inclusion of explicit reference to restorative practices** as a possible intervention;
- **Mandatory training requirement for the designated HIB Compliance Officer** to attend a training opportunity offered by OSPI; and
- **Alignment with language of other District policies** “directing” versus “authorizing” Superintendent to develop an associated procedure.

- b. **Alternatives:** Not amend the policy. This is not recommended as this will result in the District not being in compliance with State law.
- c. **Research:** It should be noted that these changes to policy would simply memorialize the standards and practices already being applied in the day-to-day implementation of Board Policy No. 3207 and the associated Superintendent Procedure 3207SP.A. That is, staff members within the District’s Office of Student Civil Rights (OSCR) provide the same guidance as detailed in the revisions above to school leaders, staff, parents/guardians, and students when addressing reports of harassment (including discriminatory harassment, as detailed in Board Policy No. 3210), intimidation, bullying, or retaliation. This has been the case due to OSCR staff members staying informed of current “best practices” in the response to reports of harassment, intimidation, bullying, or retaliation through regular training and review of resources, including OSPI’s School Safety Center and U.S. Department of Education, Office for Civil Rights.

5. FISCAL IMPACT/REVENUE SOURCE

There is no anticipated fiscal impact of this action.

Expenditure: One-time Annual Multi-Year N/A

Revenue: One-time Annual Multi-Year N/A

6. COMMUNITY ENGAGEMENT

With guidance from the District’s Community Engagement tool, this action was determined to merit the following tier of community engagement:

Not applicable

Tier 1: Inform

Tier 2: Consult/Involve

Tier 3: Collaborate

The District will post the policy change on the website and will update training materials for school leaders and staff. OSCR staff will partner with staff members from the Behavior Health Services and Special Education Departments to review/revise training materials for staff, students, and parents/guardians.

7. EQUITY ANALYSIS

The proposed policy revisions enhance protections for all students by clearly articulating the delineation between the three different, but related behaviors. The revision broadens the understanding of the types of negative interactions that can possibly occur between students, thus highlighting the importance of addressing the behaviors from a more comprehensive lens.

Additionally, the separate delineation particularly for the term “harassment” provides a clearer pathway to address a single incident of alleged discriminatory harassment under the more appropriate Board Policy No. 3210, Nondiscrimination, Acts of Hostility & Defamation, rather than simply addressing an incident under the lens of “bullying” and not considering the possibility that bias may be playing a role in the negative interaction.

Finally, the policy revisions highlight the need to address the impact of the incident to students with disabilities irrespective of whether the student is the targeted student or alleged aggressor. Students with disabilities are a group that may be specifically targeted or who may engage in the behaviors because, unfortunately, the behavior may be a manifestation of the student’s disability. By clearly detailing an explicit requirement to convene the student’s 504 or IEP Team, the policy offers a “whole child” response rather than a disciplinary approach to an incident of this nature. Given that students of color and students who qualify for free and reduced lunch are over-represented in certain categories of disability qualifications, the additions to this policy take into consideration the need to look at incidents from an equity lens.

8. STUDENT BENEFIT

The primary benefit to SPS students is the recognition that negative behaviors of this type should not be conflated into one category of “bullying,” as that is too reductive. This simplification also has the potential of limiting the responses to properly identify and provide a corrective response

to stop inappropriate behaviors, prevent recurrence, and remedy the impacts. The revisions to the policy also benefit students by incorporating current understanding of “best practice” when responding to incidents of this nature particularly if the incident impacts students with disability.

9. WHY BOARD ACTION IS NECESSARY

- Amount of contract initial value or contract amendment exceeds \$250,000 (Policy No. 6220)
- Amount of grant exceeds \$250,000 in a single fiscal year (Policy No. 6114)
- Adopting, amending, or repealing a Board policy
- Formally accepting the completion of a public works project and closing out the contract
- Legal requirement for the School Board to take action on this matter
- Board Policy No. _____, [TITLE], provides the Board shall approve this item
- Other: _____

10. POLICY IMPLICATION

Approval of this motion would amend and retitle Board Policy No. 3207 as described in this Board Action Report. In addition, Board Policy No. 3210, Nondiscrimination, Acts of Hostility & Defamation, is a corresponding policy which addresses allegations of discriminatory harassment (i.e. harassment based on an individual’s membership in a protected group). While any revision to Board Policy No. 3207 would not affect Board Policy No. 3210, the changes proposed here would allow for a better alignment between them regarding an understanding of what constitutes hostile school environment harassment.

11. BOARD COMMITTEE RECOMMENDATION

This motion was discussed at the Curriculum & Instruction Policy Committee meeting on June 9, 2020. The Committee reviewed the motion and moved the item forward for consideration by the full board in unanimous committee vote.


12. TIMELINE FOR IMPLEMENTATION

Upon approval of this motion, the amended policy will take immediate effect, and the updated policy will be posted on the District website. Staff will review and revise, as necessary, the associated Superintendent Procedure 3207SP.a; and an update to training and education materials provided to school leaders, staff, students, and parents/guardians will commence.

13. ATTACHMENTS

- Board Policy No. 3207, Prohibition of Harassment, Intimidation, or Bullying (clean – for approval)

- Board Policy No. 3207, Prohibition of Harassment, Intimidation, or Bullying – (track changes - for reference)
- WSSDA Model Policy 3207 (for reference)
- Superintendent Procedure 3207SP.A (current District Procedure; for reference)
- WSSDA Model Procedure 3207P (for reference)

	<p>PROHIBITION OF HARASSMENT, INTIMIDATION, OR BULLYING – STUDENTS</p>	<p>Policy No. 3207 [DATE] Page 1 of 4</p>
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The district is committed to a safe, civil, and equitable environment for all students, employees, parents/legal guardians, volunteers, and patrons, that is free from harassment, intimidation or bullying. To ensure the entire Seattle Public Schools community is educated or can work in a safe and nurturing environment, the following beliefs support this policy:

- **A belief** that a positive school climate built on the principles of “acceptance” and “respect” is conducive to learning and thus allows students or adults to do their best both cognitively and emotionally.
- **A belief** that the district has the opportunity to create safe and positive education and work environments through the implementation of policy and procedure.
- **A belief** that students, staff, parents, and the community have a vested interest in, and should work together to promote, healthy social, emotional, and learning outcomes.

This policy applies when the targeted person of harassment, intimidation, or bullying is a student. Refer to Policy 5207 if the targeted person is a District staff member or volunteer.

As defined in legislation, “harassment, intimidation or bullying” means any intentional electronic, written, verbal, or physical act including, but are not limited to, one shown to be motivated by any characteristic in RCW 28A.640.010 and 28A.642.010, or other distinguishing characteristics, when the intentional electronic, written, verbal, or physical act:

- Physically harms a student or adult or damages the student’s or adult’s property; or
- Has the effect of substantially interfering with a student’s education or the adult’s work environment; or
- Is so severe, persistent or pervasive that it creates an intimidating or threatening educational or work environment; or
- Has the effect of substantially disrupting the orderly operation of school or work.

Nothing in this section requires the affected student or adult to actually possess a characteristic that is a basis for the harassment, intimidation or bullying.

“Other distinguishing characteristics” can include, but are not limited to, physical appearance, clothing or other apparel, socioeconomic status, or weight.

“Intentional acts” refers to the individual’s choice to engage in the act rather than the ultimate impact of the action(s).

Behaviors/Expressions

This policy recognizes that “harassment,” “intimidation,” and “bullying” are separate but related behaviors. Each must be addressed appropriately. The accompanying procedure differentiates the three behaviors; however, this differentiation should not be considered part of the legal definition of these behaviors.

Harassment, intimidation or bullying can take many forms including, but not limited to, slurs, rumors, jokes, innuendoes, demeaning comments, drawings, cartoons, pranks, gestures, physical attacks, threats, or other written, oral, physical or electronically transmitted messages or images.

This policy is not intended to prohibit expression of religious, philosophical, or political views, provided that the expression does not substantially disrupt the educational environment. Many behaviors that do not rise to the level of harassment, intimidation or bullying may still be prohibited by other district policies or building, classroom, or program rules.

Training

This policy is a component of the district’s responsibility to create and maintain a safe, civil, respectful, and inclusive learning community and shall be implemented in conjunction with comprehensive training of staff and volunteers. Specific training requirements will be included in the accompanying Superintendent Procedure.

Prevention

The district will provide students with strategies aimed at preventing harassment, intimidation, and bullying. In its efforts to train students, the district will seek partnerships with families, law enforcement, and other community agencies.

Interventions

Interventions are designed to remediate the impact on the targeted student(s) and others impacted by the violation, to change the behavior of the aggressor and to restore a positive school climate.

The district shall consider the frequency of incidents, developmental age of the student, and severity of the conduct in determining intervention strategies. Interventions may include, but are not limited to, counseling, correcting behavior and discipline, restorative practices when voluntary and appropriate, law enforcement referrals, and other remedies or responses as appropriate.

Students with Individual Education Plans or Section 504 Plans

If allegations are proven that a student with an Individual Education Plan (IEP) or Section 504 Plan has been the aggressor or target of harassment, intimidation, or bullying, the school will convene the student's IEP or Section 504 team to determine whether the incident had an impact on the student's ability to receive a free appropriate public education (FAPE). The meeting should occur regardless of whether that harassment, intimidation, or bullying incident was based on the student's disability. During the meeting, the team will evaluate issues such as the student's academic performance, behavioral issues, attendance, and participation in extracurricular activities. If a determination is made that the student is not receiving a FAPE as a result of the harassment, intimidation, or bullying incident, the district will provide additional services and supports as deemed necessary, such as counseling, monitoring, and/or reevaluation or revision of the student's IEP or Section 504 Plan, to ensure the student receives a FAPE.

Retaliation/False Allegations

Retaliation is prohibited and will result in appropriate discipline. It is a violation of this policy to threaten or harm someone for reporting harassment, intimidation, or bullying, or participating in an investigation.

It is also a violation of district policy to knowingly report false allegations of harassment, intimidation, and bullying. Students or employees will not be disciplined for making a report in good faith. However, persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline.

Compliance Officer

The Superintendent shall appoint a compliance officer as the primary district contact to receive copies of all formal and informal complaints and ensure policy implementation. The name and contact information for the compliance officer will be communicated throughout the district. The district compliance officer will participate in at least one mandatory training opportunity offered by OSPI.

The Superintendent is directed to develop procedures for this policy, as necessary.

Adopted: December 2011

Revised: [date]


Cross Reference: Policy Nos.2161; 3200; 3208; 3210; 3240; 3241; 5207; 5281

Related Superintendent Procedure: 3207SP; 3208SP; 3210SP.B; 3210SP.C; 5207SP

Previous Policies:

Legal References: RCW 28A.600.477 Prohibition of harassment, intimidation, and bullying; WAC 392-190-059 Harassment, intimidation, and bullying prevention policy and procedure – School districts

Management Resources: *Policy Alert*, August 2019; *Policy News*, July 2019

 <p>SEATTLE PUBLIC SCHOOLS</p>	<p>PROHIBITION OF HARASSMENT, INTIMIDATION, <u>OR</u> <u>AND BULLYING –</u> <u>STUDENTS</u></p>	<p>Policy No. 3207 December 7, 2011 <u>[DATE]</u> Page 1 of 43</p>
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- **A belief** that a positive school climate built on the principles of “acceptance” and “respect” is conducive to learning and thus allows students or adults to do their best both cognitively and emotionally.
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This policy applies when the targeted person of harassment, intimidation, or bullying is a student. Refer to Policy 5207 if the targeted person is a District staff member or volunteer.

As defined in legislation, “hHarassment, intimidation or bullying” means any intentional ~~electronic, ly-written message or image (including those that are electronically transmitted), or~~ verbal, or physical act including, . These include, but are not limited to, ~~acts one~~ shown to be motivated by any characteristic in RCW 28A.640.010 and 28A.642.010, race, creed, color, religion, ancestry, national origin, age, economic status, gender, sexual orientation including gender expression or identity, pregnancy status, marital status, physical appearance, the presence of any sensory, mental or physical disability, honorably discharged veteran or military status, or the use of a trained dog guide or service animal by a person with a disability, or other distinguishing characteristics, when the intentional electronic, written, verbal, or physicalan act:

- Physically harms a student or adult or damages the student’s or adult’s property; or

- Has the effect of substantially interfering with a student’s education or the adult’s work environment; or
- Is so severe, persistent or pervasive that it creates an intimidating or threatening educational or work environment; or
- Has the effect of substantially disrupting the orderly operation of ~~the~~ school or work ~~plac~~ee.

Nothing in this section requires the affected student or adult to actually possess a characteristic that is a basis for the harassment, intimidation or bullying.

“Other distinguishing characteristics” can include, but are not limited to, physical appearance, clothing or other apparel, socioeconomic status, or weight.

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The Superintendent is ~~directed~~authorized to develop procedures for this policy, as necessary.

Adopted: December 2011

Revised: [date]

Cross Reference: Policy Nos. ~~2161D50.00; D51.00; F11.00~~; 3200; 3208; 3210; 3240; 3241; 5207; 5281

Related Superintendent Procedure: 3207SP-~~A~~; 3207SP-B; 3208SP; 3210SP.B; 3210SP.C; 5207SP

Previous Policies:

Legal References: RCW 28A.~~300.285~~ 600.477 Prohibition of harassment, intimidation, and bullying; intimidation and bullying prevention policies and procedures – Model policy and procedure – Training materials – Posting on web site – Rules – Advisory committee WAC ~~392-190-059~~ Harassment, intimidation, and bullying prevention policy and procedure – School districts

Management Resources: *Policy AlertNews*, August 2019; Policy News, July 2019 ~~December 2010; April 2008; April 2002~~

Prohibition of Harassment, Intimidation, and Bullying

The board is committed to a safe and civil educational environment for all students, employees, parents/legal guardians, volunteers, and community members that is free from harassment, intimidation, or bullying. As defined in legislation, "Harassment, intimidation or bullying" means any intentional electronic, written, verbal, or physical act including but not limited to, one shown to be motivated by any characteristic in RCW 28A.640.010 and 28A 642.010, or other distinguishing characteristics, when the act:

- A. Physically harms a student or damages the student's property;
- B. Has the effect of substantially interfering with a student's education;
- C. Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
- D. Has the effect of substantially disrupting the orderly operation of the school.

Nothing in this section requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation or bullying.

"Other distinguishing characteristics" can include but are not limited to physical appearance, clothing or other apparel, socioeconomic status and weight.

"Intentional acts" refers to the individual's choice to engage in the act rather than the ultimate impact of the action(s).

Behaviors/Expressions

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Training

This policy is a component of the district's responsibility to create and maintain a safe, civil, respectful and inclusive learning community and will be implemented in conjunction with comprehensive training of staff and volunteers. Specific training requirements are included in the accompanying procedure.

Prevention

The district will provide students with strategies aimed at preventing harassment, intimidation, and bullying. In its efforts to train students, the district will seek partnerships with families, law enforcement, and other community agencies.

Interventions

Interventions are designed to remediate the impact on the targeted student(s) and others impacted by the violation, to change the behavior of the aggressor, and to restore a positive school climate. The district will consider the frequency of incidents, developmental age of the student, and severity of the conduct in

Office for Civil Rights Dear Colleague Letter: Responding to
Bullying of Students with Disabilities (OCR 10/21/2014)

2014 - December Issue

2010 - December Issue

2008 - April Issue

2002 - April Issue

Adoption Date:

Classification: **Essential**

Revised Dates: **04.02; 10.07; 04.08; 12.10; 12.11;12.13; 12.14; 01.15; 07.19; 08.19**

Superintendent Procedure 3207SP.A **Prohibition of Harassment, Intimidation & Bullying - Students**



Approved by: s/ Larry Nyland Date: 3/8/18

Dr. Larry Nyland, Superintendent

A. Introduction

Seattle School District strives to provide students with optimal conditions for learning by maintaining a school environment where everyone is treated with respect and no one is physically or emotionally harmed. This procedure applies to all students who are harassed, intimidated, or bullied.

In order to ensure respect and prevent harm, it is a violation of district policy for a student to be harassed, intimidated, or bullied by others in the school community, at school-sponsored events, or when such actions create a substantial disruption to the educational process. The school community includes all students, school employees, School Board members, contractors, volunteers, families, patrons, and other visitors. No student within the school community will be harassed because of their race, creed, color, religion, ancestry, national origin, age, economic status, gender, sexual orientation including gender expression or identity, pregnancy status, marital status, physical appearance, the presence of any sensory, mental or physical disability, honorably discharged veteran or military status, or the use of a trained dog guide or service animal by a person with a disability, or other distinguishing characteristics.

Any school staff who observes, overhears, or otherwise witnesses harassment, intimidation or bullying, or to whom such actions have been reported, must take prompt and appropriate action to stop the harassment and to prevent its reoccurrence.

B. Definitions

Alleged Aggressor is a student, staff member, or other member of the school community who has allegedly engaged in harassment, intimidation or bullying of a student.

Harassment, intimidation or bullying is an intentional electronic, written, verbal, or physical act that:

1. Physically harms a student or damages the student's property; or
2. Has the effect of substantially interfering with a student's education; or
3. Is so severe, persistent or pervasive that it creates an intimidating or threatening educational environment; or
4. Has the effect of substantially disrupting the orderly operation of the school.

Conduct that is “substantially interfering with a student’s education” will be determined by considering a targeted student’s grades, attendance, demeanor, interaction with peers, interest and participation in activities, and other indicators. Conduct that may rise to the level of harassment, intimidation and bullying may take many forms, including, but not limited to: slurs, rumors, jokes, innuendoes, demeaning comments, drawings, cartoons, pranks, ostracism, physical attacks or threats, gestures, or acts relating to an individual or group whether electronic, written, oral, or physically transmitted messages or images relating to an individual or group. There is no requirement that the targeted student actually possess the characteristic that is the basis for the harassment, intimidation or bullying.

Incident Reporting forms may be used by students, families, or staff to report incidents of harassment, intimidation or bullying. An Incident Reporting form can be found on the Office of Student Civil Rights’ district webpage.

Retaliation is when an alleged aggressor harasses, intimidates, or bullies a student because the student has reported an incident of bullying or who has provided information as a witness during the investigation of a harassment, intimidation, or bullying incident.

Staff includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, classified staff, substitute and temporary teachers, volunteers, or paraprofessionals (both employees and contractors).

Targeted Student is a student against whom harassment, intimidation or bullying has allegedly been perpetrated.

C. Relationship to Other Laws

This procedure applies only to RCW 28A.300.285 - Harassment, Intimidation and Bullying prevention. There are other laws, policies and procedures to address related issues such as sexual harassment or discrimination.

At least four Washington laws may apply to harassment or discrimination:

1. RCW 28A.300.285 – Harassment, Intimidation and Bullying;
2. RCW 28A.640.020 – Sexual Harassment;
3. RCW 28A.642 – Prohibition of Discrimination in Public Schools; and
4. RCW 49.60.010 – The Law Against Discrimination.

The district will ensure its compliance with all state laws regarding harassment, intimidation or bullying. Nothing in this procedure prevents a student, parent/guardian, school or district from taking action to remediate harassment or discrimination based on a person’s gender or membership in a legally protected class under local, state, or federal law.

Nothing in this policy or procedure precludes any targeted student or reporter from exercising their rights under the procedures outlined in Federal or State laws.

D. Prevention

1. Dissemination

In each school and on the district's website the district will prominently post information on reporting harassment, intimidation and bullying; the name and contact information for making a report to a school administrator; and the name and contact information for the district's compliance officer. The district's policy and procedure will be available in each school in a language that families can understand.

Annually, the Superintendent will ensure that a statement summarizing the policy and procedure is provided in student, staff, volunteer, and parent handbooks, is available in school and district offices and/or hallways, or is posted on the district's website.

Additional distribution of the policy and procedure is subject to the requirements of Washington Administrative Code 392-400-226.

2. Education

Annually students will receive age-appropriate information on the recognition and prevention of harassment, intimidation or bullying at student orientation sessions and on other appropriate occasions. The information will include a copy of the Incident Reporting Form or a link to a web-based form.

3. Training

Staff will receive annual training on the school district's policy and procedure, including staff roles and responsibilities, how to monitor common areas and the use of the district's Incident Reporting Form.

All SPS orientation sessions for staff or regular volunteers shall introduce the elements of the policy and procedure. Staff shall be provided information on recognizing and preventing harassment, intimidation, or bullying. Staff shall be reminded of their responsibility to report instances of suspected child abuse or neglect, and how that responsibility may be implicated by some allegations of harassment, intimidation, and bullying.

4. Prevention Strategies

The district will implement a range of prevention strategies including individual, classroom, school, and district-level approaches. The dissemination of prevention or intervention strategies falls under the purview of the District's Behavior Health Services department.

Whenever possible, the district will implement evidence-based prevention programs that are designed to increase social competency, improve school climate, and eliminate harassment, intimidation and bullying in schools.

E. Compliance Officer

1. The Superintendent designates the Student Civil Rights Compliance Officer in the Office of Student Civil Rights to be the HIB compliance officer for the district for all complaints brought under this procedure.
2. The district compliance officer shall:

- a. Serve as the district's primary contact regarding harassment, intimidation and bullying.
- b. Receive copies of all formal complaints, Incident Reporting Forms, and letters to parents providing the outcomes of investigations. If a written report of harassment, intimidation, or bullying indicates a potential violation of the district's nondiscrimination policy, the compliance officer must comply with the policies and procedures as set forth in Policy 3210 or 5010 and Superintendent Procedures 3210SP.B or 5010SP, as applicable. .
- c. The compliance officer or his/her designee will ensure implementation of the policy and procedure by overseeing the investigative processes, including ensuring that investigations are prompt, impartial, and thorough.
- d. Serve as the primary contact on the policy and procedure between the school district, the Office of the Education Ombudsman, and the Office of the Superintendent of Public Instruction.
- e. The compliance officer or his/her designee shall assess the training needs of staff and students to ensure successful implementation throughout the district, and ensure staff receives annual fall training.
- f. The compliance officer or his/her designee shall provide support and assistance to school-based leaders in resolving complaints.
- g. The compliance officer or his/her designee shall be familiar with the use of the student information system. The compliance officer may use this information to identify patterns of behavior and areas of concern.
- h. The compliance officer or his/her designee shall provide the OSPI School Safety Center with notification of policy or procedure updates or changes on an annual basis.
- i. The compliance officer or his/her designee shall, in cases where, despite school efforts, a targeted student experiences harassment, intimidation or bullying that threatens the student's health and safety, facilitate a meeting between district staff and the targeted student's parents/guardians to develop a safety plan to protect the student.

F. Staff Intervention

All staff members shall intervene when witnessing or receiving reports of harassment, intimidation or bullying. Minor incidents that staff are able to resolve immediately, or incidents that do not meet the definition of harassment, intimidation or bullying, may require no further action under this procedure.

G. Filing an Incident Reporting Form

Any student who believes he or she has been the target of unresolved, severe, or persistent harassment, intimidation or bullying, or any other person in the school community who observes or receives notice that a student has or may have been the target of unresolved, severe, or persistent harassment, intimidation or bullying may report incidents verbally or in writing to any staff member.

An Incident Reporting Form may be used by students, families, or staff to report alleged incidents of harassment, intimidation or bullying against a student. The form can be found on the SPS website.

H. Addressing Bullying – Reports

Step 1: Filing an Incident Reporting Form

A student need not reveal his or her identity on an Incident Reporting Form. The form may be filed anonymously, confidentially, or the person may choose to disclose his or her identity (non-confidential).

Status of Reporter

1. *Anonymous*: Individuals may file a report without revealing their identity. No disciplinary action will be taken against an alleged aggressor based solely on an anonymous report. Schools may identify complaint boxes or develop other methods for receiving anonymous, unsigned reports. Possible responses to an anonymous report include enhanced monitoring of specific locations at certain times of day or increased monitoring of specific students or staff.
2. *Confidential*: Individuals may ask that their identities be kept secret from the accused and other students. Like anonymous reports, no disciplinary action will be taken against an alleged aggressor based solely on a confidential report.
3. *Non-confidential*: Individuals may agree to file a report non-confidentially. Reporters agreeing to make their complaints non-confidential will be informed that due process requirements may require that the district release all of the information that it has regarding the complaint to any individuals involved in the incident, but that even then, information will still be restricted to those with a need to know, both during and after the investigation. The district will, however, fully implement the anti-retaliation provision of this policy and procedure to protect reporters, targeted students, and witnesses.

Step 2: Receiving an Incident Reporting Form

All staff are responsible for receiving oral and written reports. Whenever possible, staff who initially receive an oral or written report of harassment, intimidation or bullying shall attempt to resolve the incident immediately. If the incident is resolved to the satisfaction of the parties involved, or if the incident does not meet the definition of harassment, intimidation or bullying, no further action may be necessary under this procedure.

All reports of unresolved, severe, or persistent harassment, intimidation or bullying will be recorded on a district HIB Incident Reporting Form. Staff, students, or community reporters shall submit such forms to the principal or designee, unless the principal or designee is the subject of the complaint; and to the Office of Student Civil Rights.

Step 3: Investigations of Unresolved, Severe, or Persistent Harassment, Intimidation and Bullying

All reports of unresolved, severe, or persistent harassment, intimidation or bullying will be investigated with reasonable promptness. Any student may have a trusted adult with him or her throughout the reporting and investigation process.

- a. Upon receipt of the Incident Reporting Form that alleges unresolved, severe, or persistent harassment, intimidation or bullying, the school's building leader will contact the district's HIB Compliance Officer or his/her designee and they will determine who shall begin the investigation. In most cases, the investigation will

be conducted by a building leader. If there is potential for clear and immediate physical harm to the targeted student, the district will immediately contact law enforcement and inform the parent/guardian.

- b. During the course of the investigation, the district will take reasonable measures to ensure that no further incidents of harassment, intimidation or bullying occur between the targeted student and the alleged aggressor. If necessary, the district will implement a safety plan for the student(s) involved. The plan may include changing seating arrangements for the targeted student, reporter and/or the alleged aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a safe person for the targeted student; altering the alleged aggressor's schedule and access to the targeted student, and any other measure deemed appropriate that afford all parties with their due process rights.
- c. If, during the course of an investigation, the district employee conducting the investigation becomes aware of a potential violation of the district's nondiscrimination policy (Policy 3210), the investigator will promptly notify the district's Student Civil Rights Compliance Officer. Upon receipt of this information, the civil rights compliance officer must notify the complainant that their complaint will proceed under the discrimination procedure in WAC 392-190-066 through WAC 392-190-075 as well as the HIB complaint procedure. The notice must be provided in a language that the complainant can understand. The investigation and response timeline for the discrimination complaint procedure will follow that set forth in WAC 392-190-065 and begins when the district knows or should have known that a written report of harassment, intimidation, or bullying involves allegations of a violation of the district's nondiscrimination policy.
- d. Within two (2) school days after receiving the Incident Reporting Form, the school designee will notify the families of the students involved that a complaint was received and direct the families to the district's policy and procedure on harassment, intimidation and bullying.
- e. In rare cases, where after consultation with the student and appropriate staff (such as a psychologist, counselor, or social worker) the district has evidence that it would threaten the health and safety of the targeted student or the alleged aggressor to involve his or her parent/guardian, the district may initially refrain from contacting the parent/guardian in its investigation of harassment, intimidation or bullying. If professional school personnel suspect that a student is subject to abuse or neglect, they must follow district policy and state law regarding the mandatory reporting of suspected abuse to Child Protective Services.
- f. The investigation shall include, at a minimum:
 - An interview with the reporter and/or targeted student;
 - An interview with the alleged aggressor, if known;
 - A review of any previous complaints involving either the targeted student or the alleged aggressor; and
 - Interviews with other students or staff members who may have knowledge of the alleged incident.
- g. The principal or designee may determine that other steps must be taken before the investigation is complete.
- h. The investigation will be completed as soon as practicable, but generally no later than five (5) school days from the initial complaint or report. If more time is

needed to complete an investigation, the district will provide the parent/guardian and/or the student with weekly updates.

- i. No later than two (2) school days after the investigation has been completed and submitted to the compliance officer, the principal or designee shall respond in writing or verbally to the parent/guardian of the targeted student and the alleged aggressor stating:
 - The results of the investigation;
 - Whether the allegations were found to be factual;
 - Whether there was a violation of policy; and
 - The process for the targeted student to file an appeal if he or she disagrees with results.

Because of the legal requirement regarding the confidentiality of student records, the principal or designee may not be able to report specific information to the targeted student's parent/guardian about any disciplinary action taken unless it involves a directive that the targeted student must be aware of in order to report violations.

If a district chooses to contact the parent/guardian by letter, the letter will be mailed to the parent/guardian of the targeted student and alleged aggressor by United States Postal Service with return receipt requested unless it is determined, after consultation with the student and appropriate staff (psychologist, counselor, social worker) that it could endanger the targeted student or the alleged aggressor to involve his or her family. If professional school personnel suspect that a student is subject to abuse or neglect, as mandatory reporters they must follow district policy for reporting suspected cases to Child Protective Services.

If the incident cannot be resolved at the school level, the principal or designee shall request assistance from the district's HIB Compliance Officer.

Step 4: Corrective Measures for the Aggressor

After completion of the investigation, the school or district designee will institute any corrective measures necessary. Corrective measures will be instituted as quickly as possible, but in no event more than five (5) school days after contact has been made to the families or guardians regarding the outcome of the investigation. Depending on the severity of the conduct, remedial action may include, but it is not limited to, counseling, education, change in classrooms, discipline, and/or referral to law enforcement. If the accused aggressor is appealing the imposition of discipline, the district may be prevented by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded.

If in an investigation a principal or principal's designee found that a student knowingly made a false allegation of harassment, intimidation or bullying, that student may be subject to corrective measures, including discipline.

Step 5: Targeted Student's Right to Appeal

1. If the targeted student or parent/guardian is dissatisfied with the results of the investigation, they may appeal to the compliance officer, the Superintendent's designee for appeals, by filing a written notice of appeal within five (5) school days of receiving the written decision. The compliance officer will review the investigative report and issue a written decision on the merits of the appeal within five (5) school days of receiving the notice of appeal. This right of appeal does not afford the targeted student or targeted student's parent/guardian a right to appeal the corrective action or discipline imposed against another student.
2. If the targeted student remains dissatisfied after the initial appeal to the compliance officer, an appeal may be filed with the Superintendent or disciplinary appeal council by filing a written notice of appeal on or before the fifth (5) school day following the date upon which the targeted student received the compliance officer's written decision. Upon receipt of a timely appeal, the Superintendent shall copy the School Board and delegate hearing and deciding the appeal to a neutral hearing examiner hired by the District.
3. An appeal before the Hearing Examiner or disciplinary appeal council must be heard on or before the tenth (10) school day following the filing of the written notice of appeal to the Superintendent. The appeal shall be based on the facts previously raised by the complainant and/or investigated by the District and the written decision of the compliance officer. This hearing shall be recorded.
4. The Hearing Examiner or disciplinary appeal council will review the record and render a written decision on the merits of the appeal on or before the fifth (5) school day following the termination of the hearing, and shall provide a copy to all parties involved. The Hearing Examiner or disciplinary appeal council's decision will be the final district decision.

Step 6: Discipline/Corrective Action

The district will take prompt and equitable corrective measures within its authority on findings of harassment, intimidation or bullying.

Corrective measures for a student who commits an act of harassment, intimidation or bullying will be varied and graded according to the nature of the behavior, the developmental age of the student, or the student's history of problem behaviors and performance. Corrective measures that involve student discipline will be implemented according to district policy.

If the conduct was of a public nature or involved groups of students or bystanders, the district will strongly consider school-wide training or other activities to address the incident.

Step 7: Support for the Targeted Student

Students found to have been subjected to harassment, intimidation or bullying will have appropriate district support services made available to them, and the adverse impact of the harassment on the student shall be addressed and remedied as appropriate.

I. Retaliation

No school employee, student, or volunteer may engage in reprisal or retaliation against a targeted student, witness, or other person who brings forward information about an alleged act of harassment, intimidation or bullying. Retaliation is prohibited and will result in appropriate discipline.

J. Other Resources

Staff, students and families should use the district's complaint and appeal procedures as a first response to allegations of harassment, intimidation and bullying. However, nothing in this procedure prevents a student, parent/guardian, school, or district from taking action to remediate discrimination or harassment based on a person's membership in a legally protected class under local, state or federal law. A harassment, intimidation or bullying complaint may also be reported to the following state or federal agencies:

- OSPI Equity and Civil Rights Office
360.725.6162
Email: equity@k12.wa.us
www.k12.wa.us/Equity/default.aspx
- Washington State Human Rights Commission
800.233.3247
www.hum.wa.gov/index.html
- Office for Civil Rights, U.S. Department of Education, Region IX
206.607.1600
Email: OCR.Seattle@ed.gov
www.ed.gov/about/offices/list/ocr/index.html
- Department of Justice Community Relations Service
877.292.3804
www.justice.gov/crt/
- Office of the Education Ombudsman
866.297-2597
Email: OEOinfo@gov.wa.gov
www.governor.wa.gov/oeo/default.asp
- OSPI Safety Center
360.725-6044
www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx

K. Other District Policies and Procedures

Nothing in this policy or procedure is intended to prohibit discipline or remedial action for inappropriate behaviors that do not rise to the level of harassment, intimidation or bullying as defined herein, but which are, or may be, prohibited by other district or school rules.

L. Disclaimer of Liability

Pursuant to established School Board policy, nothing in this policy or procedure shall be construed to provide a private right of action in the courts.

Approved: December 2016

Revised: March 2018

Cross Reference: Policy Nos. 3207; 3208; D50.00; D51.00; F11.00; 3200; 3210; 3240; 3241; 3207SP.B; 3208SP; RCW 28A.300.285 Harassment, intimidation and bullying prevention policies and procedures – Model policy and procedure – Training materials – Posting on web site – Rules – Advisory committee

Procedure - Prohibition of Harassment, Intimidation and Bullying

A. Introduction

The _____ School District strives to provide students with optimal conditions for learning by maintaining a school environment where everyone is treated with respect and no one is physically or emotionally harmed.

In order to ensure respect and prevent harm, it is a violation of district policy for a student to be harassed, intimidated, or bullied by others in the school community, at school sponsored events, or when such actions create a substantial disruption to the educational process. The school community includes all students, school employees, school board members, contractors, unpaid volunteers, families, patrons, and other visitors. Student(s) will not be harassed because of their race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression, gender identity, mental or physical disability, or other distinguishing characteristics.

Any school staff who observes, overhears, or otherwise witnesses harassment, intimidation, or bullying or to whom such actions have been reported must take prompt and appropriate action to stop the harassment, intimidation, or bullying, and to prevent its reoccurrence.

B. Definitions

Aggressor means a student, staff member, or other member of the school community who engages in the harassment, intimidation, or bullying of a student.

Harassment, intimidation, or bullying means an intentional electronic, written, verbal, or physical act that:

1.

1. Physically harms a student or damages the student's property;
2. Has the effect of substantially interfering with a student's education;
3. Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
4. Has the effect of substantially disrupting the orderly operation of the school.

Conduct that is "substantially interfering with a student's education" will be determined by considering a targeted student's grades, attendance, demeanor, interaction with peers, participation in activities, and other indicators.

Conduct that may rise to the level of harassment, intimidation, or bullying may take many forms, including, but not limited to: slurs, rumors, jokes, innuendoes, demeaning comments, drawings, cartoons, pranks, ostracism, physical attacks or threats, gestures, or acts relating to an individual or group whether electronic, written, oral, or physically transmitted messages or images. There is no requirement that the targeted student actually possess the characteristic that is the basis for the harassment, intimidation, or bullying.

Retaliation occurs when an individual is intimidated, threatened, coerced, or discriminated against for reporting harassment, intimidation, or bullying, or participating in an investigation.

Staff includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, classified staff, substitute and temporary teachers, volunteers, or paraprofessionals (both employees and contractors).

Targeted Student means a student against whom harassment, intimidation, or bullying has allegedly been perpetrated.

C. Behaviors / Expressions

“Harassment,” “intimidation,” and “bullying” are separate but related behaviors. Each must be addressed appropriately. Although this procedure differentiates the three behaviors, this differentiation should not be considered part of the legal definition of these behaviors. Harassment refers to any malicious act, which causes harm to any person’s physical well being. It can be discriminatory harassment, malicious harassment, or sexual harassment. Intimidation refers to implied or overt threats of physical violence. Bullying refers to unwanted aggressive behavior(s) by another youth or group of youths that involves an observed or perceived power imbalance and is repeated multiple times or is highly likely to be repeated. Bullying may inflict harm on the targeted youth including physical or educational harm. Bullying can also occur through technology and is called electronic bullying or cyberbullying

D. Relationship to Other Laws

This procedure applies only to [RCW 28A.300.285 – Harassment, Intimidation and Bullying prevention](#). There are other laws and procedures to address related issues such as sexual harassment or discrimination.

At least four Washington laws may apply to harassment or discrimination:

1. [RCW 28A.300.285 – Harassment, Intimidation and Bullying](#)
2. [RCW 28A.640.020 – Sexual Equality](#)
3. [RCW 28A.642 – Prohibition of Discrimination in Public Schools](#)
4. [RCW 49.60.010 – The Law Against Discrimination](#)

The district will ensure its compliance with all state laws regarding harassment, intimidation, or bullying. Nothing in this procedure prevents a student, parent/guardian, school or district from taking action to remediate harassment or discrimination based on a person’s membership in a legally protected class under local, state, or federal law.

E. Prevention

1. Dissemination

In each school and on the district’s website the district will prominently post information on reporting harassment, intimidation, or bullying; the name and contact information for making a report to a school administrator; and the name and contact information for the district compliance officer. The district’s policy and procedure will be available in each school in a language that families can understand.

Annually, the superintendent will ensure that a statement summarizing the policy and procedure is provided in student, staff, volunteer, and parent handbooks, is available in school and district offices and/or hallways, or is posted on the district’s website.

Additional distribution of the policy and procedure is subject to the requirements of chapter 392-405 WAC

2. Education

Annually students will receive age-appropriate information on the recognition and prevention of harassment, intimidation, or bullying at student orientation sessions and on other appropriate occasions. The information will include a copy of the Incident Reporting Form or a link to a web-based process.

3. Training

The district compliance officer will participate in at least one mandatory training opportunity offered by OSPI. Staff will receive annual training on the school district’s policy and procedure, including at a minimum, staff roles and responsibilities, how to monitor common areas and the use of the district’s Incident Reporting Form.

4. Prevention Strategies

The district will implement a range of prevention strategies including individual, classroom, school, and district-level approaches.

Whenever possible, the district will implement evidence-based prevention programs that are designed to increase social competency, improve school climate, and eliminate harassment, intimidation, and bullying in schools.

F. **Compliance Officer**

The district compliance officer will:

1. Serve as the district's primary contact for harassment, intimidation, or bullying. If the allegations in a written report of harassment, intimidation, or bullying indicate a potential violation of Policy 3207, the district staff member who receives the report must promptly notify the district compliance officer.
2. Provide support and assistance to the principal or designee in resolving complaints;
3. Receive copies of all Incident Reporting Forms, discipline Referral Forms, and letters to parents providing the outcomes of investigations.
4. Communicate with the school district's designated civil rights compliance coordinator. If a written report of harassment, intimidation, or bullying indicates a potential violation of the district's nondiscrimination policy [Policy 3210], or if during the course of an investigation, the district becomes aware of a potential violation of the district's nondiscrimination policy, the compliance officer must promptly notify the district's civil rights compliance coordinator. At that time, the compliance officers must promptly notify the complainant that their complaint will proceed under both this policy / procedure and the nondiscrimination policy / procedure. The investigation and response timeline for the nondiscrimination procedure begin when the school district knows or should have known that a written report or investigation or Harassment, Intimidation, or Bullying involves a potential violation of the district's nondiscrimination policy;
5. Be familiar with the use of the student information system. The compliance officer may use this information to identify patterns of behavior and areas of concern;
6. Ensure implementation of the policy and procedure by overseeing the investigative processes, including ensuring that investigations are prompt, impartial, and thorough;
7. Assess the training needs of staff and students to ensure successful implementation throughout the district, and ensure staff receive annual fall training;
8. Provide the OSPI School Safety Center with notification of policy or procedure updates or changes on an annual basis; and
9. In cases where, despite school efforts, a targeted student experiences harassment, intimidation, or bullying that threatens the student's health and safety, the compliance officer will facilitate a meeting between district staff and the child's parents/guardians to develop a safety plan to protect the student. A sample student safety plan is available on the OSPI website: www.k12.wa.us/SafetyCenter/default.aspx.

G. **Staff Intervention**

All staff members will intervene when witnessing or receiving reports of harassment, intimidation, or bullying. Minor incidents that staff are able to resolve immediately, or incidents that do not meet the definition of harassment, intimidation, or bullying, may require no further action under this procedure, other than tracking, to ensure they are not repeated.

H. **Filing an Incident Reporting Form**

Incident Reporting Forms may be used by students, families, or staff to report incidents of harassment, intimidation or bullying. A sample form is provided on the Office of Superintendent of Public Instruction's (OSPI) School Safety Center website: www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx

Any student or students who believe they have been the target of unresolved, severe, or persistent harassment, intimidation, or bullying, or any other person in the school community who observes or receives notice that a student has or may have been the target of unresolved, severe, or persistent harassment, intimidation, or bullying may report incidents verbally or in writing to any staff member.

I. **Addressing Harassment, Intimidation, or Bullying – Reports**

Step 1: Filing an Incident Reporting Form

In order to protect a targeted student from retaliation, a student need not reveal his identity on an Incident Reporting Form. The form may be filed anonymously, confidentially, or the student may choose to disclose his or her identity (non-confidential).

Status of Reporter

1. **Anonymous**

Individuals may file a report without revealing their identity. No disciplinary action will be taken against an alleged aggressor based solely on an anonymous report. Schools may identify complaint boxes, use online reporting processes, or develop other methods for receiving anonymous, unsigned

reports. Possible responses to an anonymous report include enhanced monitoring of specific locations at certain times of day or increased monitoring of specific students or staff. (Example: An unsigned Incident Reporting Form dropped on a teacher's desk led to the increased monitoring of the boys' locker room in 5th period.

2. **Confidential**

Individuals may ask that their identities be kept secret from the accused and other students. Like anonymous reports, no disciplinary action will be taken against an alleged aggressor based solely on a confidential report. (Example: A student tells a playground supervisor about a classmate being bullied but asks that nobody know who reported the incident. The supervisor says, "I won't be able to punish the bullies unless you or someone else who saw it is willing to let me use their names, but I can start hanging out near the basketball court, if that would help.")

3. **Non-confidential**

Individuals may agree to file a report non-confidentially. Complainants agreeing to make their complaint non-confidential will be informed that due process requirements may require that the district release all of the information that it has regarding the complaint to any individuals involved in the incident, but that even then, information will still be restricted to those with a need to know, both during and after the investigation. The district will, however, fully implement the anti-retaliation provision of this policy and procedure to protect complainants and witnesses.

Step 2: Receiving an Incident Reporting Form

All staff are responsible for receiving oral and written reports. Whenever possible staff who initially receive an oral or written report of harassment, intimidation, or bullying will attempt to resolve the incident immediately. If the incident is resolved to the satisfaction of the parties involved, or if the incident does not meet the definition of harassment, intimidation, or bullying, no further action may be necessary under this procedure.

All reports of unresolved, severe, or persistent harassment, intimidation, or bullying will be recorded on a district Incident Reporting Form and submitted to the principal or designee, unless the principal or designee is the subject of the complaint.

Step 3: Investigations of Unresolved, Severe, or Persistent Harassment, Intimidation and Bullying

All reports of unresolved, severe, or persistent harassment, intimidation, or bullying will be investigated with reasonable promptness. Any student may have a trusted adult with them throughout the report and investigation process.

1. Upon receipt of the Incident Reporting Form that alleges unresolved, severe, or persistent harassment, intimidation, or bullying, the school or district designee will begin the investigation. If there is potential for clear and immediate physical harm to the complainant, the district will immediately contact law enforcement and inform the parent/guardian.
2. During the course of the investigation, the district will take reasonable measures to ensure that no further incidents of harassment, intimidation, or bullying occur between the complainant and the alleged aggressor. If necessary, the district will implement a safety plan (<https://www.k1wa.us/student-success/health-safety/school-safety-center/safety-planning-toolkit>) for the student(s) involved. The plan may include changing seating arrangements for the complainant and/or the alleged aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a safe person for the complainant; altering the alleged aggressor's schedule and access to the complainant, and other measures.

If, during the course of an investigation, the district employee conducting the investigation becomes aware of a potential violation of the district's nondiscrimination policy [Policy 3210], the investigator will promptly notify the district's civil rights compliance officer. Upon receipt of this information, the civil rights compliance officer must notify the complainant that their complaint will proceed under the discrimination complaint procedure in WAC 392-190-065 through WAC 392-190-075 as well as the HIB complaint procedure. The notice must be provided in a language that the complainant can understand. The investigation and response timeline for the discrimination complaint procedure will follow that set forth in WAC 392-190-065 and begins when the district knows or should have known that a written report of harassment, intimidation or bullying involves allegations of a violation of the district's nondiscrimination policy.

3. Within two (2) school days after receiving the Incident Reporting Form, the school designee will notify the families of the students involved that a complaint was received and direct the families to the district's policy and procedure on harassment, intimidation and bullying.

4. In rare cases, where after consultation with the student and appropriate staff (such as a psychologist, counselor, or social worker) the district has evidence that it would threaten the health and safety of the complainant or the alleged aggressor to involve his or her parent/guardian, the district may initially refrain from contacting the parent/guardian in its investigation of harassment, intimidation, or bullying. If professional school personnel suspect that a student is subject to abuse and neglect, they must follow district policy for reporting suspected cases to Child Protective Services.
5. The investigation will include, at a minimum:
 - a. An interview with the complainant;
 - b. An interview with the alleged aggressor;
 - c. A review of any previous complaints involving either the complainant or the alleged aggressor; and
 - d. Interviews with other students or staff members who may have knowledge of the alleged incident.
6. The principal or designee may determine that other steps must be taken before the investigation is complete.
7. The investigation will be completed as soon as practicable but generally no later than five (5) school days from the initial complaint or report. If more time is needed to complete an investigation, the district will provide the parent/guardian and/or the student with weekly updates.
8. No later than two (2) school days after the investigation has been completed and submitted to the compliance officer, the principal or designee will respond in writing or in person to the parent/guardian of the complainant and the alleged aggressor stating:
 - a. The results of the investigation;
 - b. Whether the allegations were found to be factual;
 - c. Whether there was a violation of policy; and
 - d. The process for the complainant to file an appeal if the complainant disagrees with the results.

Because of the legal requirement regarding the confidentiality of student records, the principal or designee may not be able to report specific information to the targeted student's parent/guardian about any disciplinary action taken unless it involves a directive that the targeted student must be aware of in order to report violations.

If a district chooses to contact the parent/guardian by letter, the letter will be mailed to the parent/guardian of the complainant and alleged aggressor by United States Postal Service with return receipt requested unless it is determined, after consultation with the student and appropriate staff (psychologist, counselor, social worker) that it could endanger the complainant or the alleged aggressor to involve his or her family. If professional school personnel suspect that a student is subject to abuse or neglect, as mandatory reporters they must follow district policy for reporting suspected cases to Child Protective Services.

If the incident cannot be resolved at the school level, the principal or designee will request assistance from the HIB compliance officer.

Step 4: Corrective Measures for the Aggressor

After completion of the investigation, the school or district designee will institute any corrective measures necessary. Corrective measures will be instituted as quickly as possible, but in no event more than five (5) school days after contact has been made to the families or guardians regarding the outcome of the investigation. Corrective measures that involve student discipline will be implemented according to [district policy 3241](#), Student Discipline. If the accused aggressor is appealing the imposition of discipline, the district may be prevented by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded.

If in an investigation a principal or principal's designee found that a student knowingly made a false allegation of harassment, intimidation or bullying, that student may be subject to corrective measures, including discipline.

Step 5: Targeted Student's Right to Appeal

1. If the complainant or parent/guardian is dissatisfied with the results of the investigation, they may appeal to the superintendent or his or her designee by filing a written notice of appeal within five (5) school days of receiving the written decision. The superintendent or his or her designee will

review the investigative report and issue a written decision on the merits of the appeal within five (5) school days of receiving the notice of appeal.

2. If the targeted student remains dissatisfied after the initial appeal to the superintendent, the student may appeal to the school board by filing a written notice of appeal with the secretary of the school board on or before the fifth (5) school day following the date upon which the complainant received the superintendent's written decision.
3. An appeal before the school board or disciplinary appeal council must be heard on or before the tenth (10th) school day following the filing of the written notice of appeal to the school board. The school board or disciplinary appeal council will review the record and render a written decision on the merits of the appeal on or before the fifth (5th) school day following the termination of the hearing, and will provide a copy to all parties involved. The board or council's decision will be the final district decision.

Step 6: Discipline/Corrective Action

The district will take prompt and equitable corrective measures within its authority on findings of harassment, intimidation or bullying. Depending on the severity of the conduct, corrective measures may include counseling, education, discipline, and/or referral to law enforcement.

Corrective measures for a student who commits an act of harassment, intimidation, or bullying will be varied and graded according to the nature of the behavior, the developmental age of the student, or the student's history of problem behaviors and performance. Corrective measures that involve student discipline will be implemented according to [district policy 3241](#), [Student Discipline](#).

If the conduct was of a public nature or involved groups of students or bystanders, the district should strongly consider schoolwide training or other activities to address the incident.

If staff have been found to be in violation of this policy and procedure, school districts may impose employment disciplinary action, up to and including termination. If a certificated educator is found to have committed a violation of [WAC 181-87](#), commonly called the Code of Conduct for Professional Educators, OSPI's Office of Professional Practices may propose disciplinary action on a certificate, up to and including revocation. Contractor violations of this policy may include the loss of contracts.

Step 7: Support for the Targeted Student

Persons found to have been subjected to harassment, intimidation or bullying will have appropriate district support services made available to them, and the adverse impact of the harassment on the student will be addressed and remedied as appropriate.

I. Immunity/Retaliation

No school employee, student, or volunteer may engage in reprisal or retaliation against a targeted student, witness, or other person who brings forward information about an alleged act of harassment, intimidation or bullying. Retaliation is prohibited and will result in appropriate discipline.

J. Other Resources

Students and families should use the district's complaint and appeal procedures as a first response to allegations of harassment, intimidation, or bullying. However, nothing in this procedure prevents a student, parent/guardian, school, or district from taking action to remediate discrimination or harassment based on a person's membership in a legally protected class under local, state or federal law. A harassment, intimidation, or bullying complaint may also be reported to the following state or federal agencies:

- OSPI Equity and Civil Rights Office (for discrimination complaints)
360.725.6162
Email: equity@k12.wa.us
<https://www.k12.wa.us/policy-funding/equity-and-civil-rights>
- Washington State Human Rights Commission
800.233.3247
www.hum.wa.gov/index.html
- Office for Civil Rights, U.S. Department of Education, Region IX
206.607.1600

Email: OCR.Seattle@ed.gov
www.ed.gov/about/offices/list/ocr/index.html

- Department of Justice Community Relations Service
877.292.3804
www.justice.gov/crt/
- Office of the Education Ombuds
866.297-2597
Email: OEInfo@gov.wa.gov
<http://oeo.wa.gov/>
- OSPI Safety Center
360.725-6044
<https://www.k12.wa.us/student-success/health-safety/school-safety-center>

K. Other District Policies and Procedures

Nothing in this policy or procedure is intended to prohibit discipline or remedial action for inappropriate behaviors that do not rise to the level of harassment, intimidation or bullying as defined in this policy but which are, or may be, prohibited by other district or school rules.

Adoption Date:

Classification: **Essential**

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