

Superintendent Procedure 3207SP **Prohibition of Harassment, Intimidation, or Bullying of Students**



Approved by: s/Dr. Brent Jones Date: April 3, 2024

Dr. Brent Jones, Superintendent

A. Introduction

Seattle School District strives to provide students with optimal conditions for learning by maintaining a school environment where every student is treated with respect and students are not physically or emotionally harmed.

This procedure and the accompanying policy apply when the targeted person of harassment, intimidation, or bullying is a student and the aggressor is also a student.

In order to ensure respect, prevent harm, and improve school climate, it is a violation of district policy for a student to be harassed, intimidated, or bullied by other students in the school community, at school-sponsored events, or when such actions create a substantial disruption to the educational process. Student(s) will not be harassed because of any characteristic in RCW 28A.640.010 and 28A.642.010, or other distinguishing characteristics.

Any school staff who observes, overhears, or otherwise witnesses harassment, intimidation, or bullying of a student, or to whom such actions have been reported, must take prompt and appropriate action to stop the harassment, intimidation, or bullying; prevent its reoccurrence; and report it to the building level administrator and/or the district HIB Compliance Officer.

B. Definitions

Aggressor or Alleged Aggressor is a student who has allegedly engaged in harassment, intimidation, or bullying of a student.

Harassment, intimidation, or bullying (HIB) means 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, 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.

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

This procedure does not govern harassment, intimidation, or bullying toward or by an employee, staff, volunteer, parent/legal guardian, or community member.

Retaliation occurs when a student is intimidated, threatened, coerced, or discriminated against for reporting harassment, intimidation, or bullying, participating in an investigation, or being identified as a targeted student.

Staff includes, but is not limited to, educators, administrators, counselors, school nurses, school social workers, 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.

Complainant means the person who has reported the harassment, intimidation, or bullying.

C. Behaviors/Expressions

Harassment, intimidation, and bullying are separate but related behaviors directed toward students. Although this procedure defines the three behaviors, this differentiation should not be considered part of the legal definition of these behaviors. RCW 28A.600.477 presents HIB as a broad and inclusive term, and it is not meant to place undue emphasis on whether the behavior is "harassment," or "intimidation," or "bullying."

Harassment refers to any malicious act, which causes harm to any student's physical well-being. It may be discriminatory harassment (see also Board Policy No. 3210, Nondiscrimination, Acts of Hostility and Defamation), malicious harassment, or sexual harassment (see also Board Policy No. 3208, Sexual Harassment of Students Prohibited). Intimidation refers to implied or overt threats of physical violence toward a student. Bullying refers to unwanted aggressive behavior(s) by another student or group of students toward another student and 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 student including physical or educational harm. Bullying may also occur through technology and is called electronic bullying or cyberbullying.

It is considered a violation of the state HIB law if any of the above behaviors occur.

D. Relationship to Other Laws

This procedure applies only to conduct toward students as reflected in RCW 28A.600.477 - Prohibition of Harassment, Intimidation, and Bullying. 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.600.477 – Prohibition 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 of a student. Nothing in this procedure prevents a student, parent/guardian, school, or district from taking action to remediate harassment or discrimination based on a student's membership in a legally protected class under local, state, or federal law.

E. Notice Requirements, Training, and Prevention

1. Dissemination

In each school and on the district's website, the district will prominently post information, as provided by the Office of Superintendent of Public Instruction (OSPI), 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 HIB Compliance Officer. The district's policy and procedure will be made available in a language that families can understand upon request.

Annually, the Superintendent will ensure that language provided by OSPI summarizing the policy and procedure is provided in student, staff, volunteer, and parent/guardian handbooks, is available in school and district offices and/or hallways, and 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, and 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

The district HIB Compliance Officer will participate in at least one mandatory training opportunity offered by OSPI. As feasible, the district HIB Compliance Officer will attend annual training as a refresher course, particularly in the event that changes to the HIB law or process occur. Staff will receive annual training on the school district's policy and

procedure, including at a minimum staff roles and responsibilities, 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, and 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 Behavioral 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.

F. Compliance Officer

1. The Superintendent designates the Director of Investigations & Compliance in the Human Resources Department - Office of Student Civil Rights (OSCR) to be the student harassment, intimidation, and bullying (HIB) Compliance Officer for the district for all complaints brought under this procedure.
2. The district Compliance Officer will:
 - a. Serve as the district's primary contact regarding harassment, intimidation, and bullying of students.
 - b. Provide or delegate OSCR staff to support and assist school building leaders in resolving HIB complaints.
 - c. Receive copies of all Incident Reporting Forms and letters to parents/guardians providing the outcomes of investigations.
 - d. The Director of Investigations & Compliance also serves as the district's designated civil rights Compliance Officer. Consequently, if upon review of the written document or during the course of an investigation, the district becomes aware of a potential violation of the district's nondiscrimination policy, Board Policy No. 3210, the Director of Investigations & Compliance will promptly notify the complainant that their complaint will proceed under both this policy/procedure and the nondiscrimination policy/procedure, (Board Policy No. 3210 and Superintendent Procedure 3210SP.B). The investigation and response timeline for the nondiscrimination complaint procedure begins when the district knows or should have known that a written report or investigation of harassment, intimidation, or bullying involves a potential violation of the district's nondiscrimination policy.
 - e. The Compliance Officer or their designee will be familiar with the use of the student information system. The Compliance Officer may use this information to identify patterns of behavior or areas of concern.

- f. The Compliance Officer or their designee will ensure implementation of the policy and procedure by overseeing the investigative processes, including ensuring that investigations are prompt, impartial, and thorough.
- g. The Compliance Officer or their designee will serve as the primary contact on the policy and procedure between the district, the Office of the Education Ombuds, and the Office of the Superintendent of Public Instruction.
- h. The Compliance Officer or their designee shall assess the training needs of staff and students to ensure successful implementation throughout the district, and ensure staff receive annual fall training.
- i. The Compliance Officer or their designee shall provide the OSPI School Safety Center with notification of policy or procedure updates or changes on an annual basis.
- j. The Compliance Officer or their 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. Sample safety planning tools and templates are available by contacting the Office of Student Civil Rights.

G. Staff Intervention

All staff members will intervene and report when witnessing or receiving reports of harassment, intimidation, or bullying of a student. Minor incidents that staff are able to resolve immediately, or incidents that do not meet the definition of harassment, intimidation, or bullying, or conduct not directed toward a student 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 alleged incidents of harassment, intimidation, or bullying of a student. The form may be found on the Office of Student Civil Rights webpage located within the SPS website.

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.

1. Time Period for Filing a Complaint

The time period for filing a complaint is one year from the date of the occurrence that is the subject matter of the complaint. However, a complaint filing deadline may not be imposed if the complainant was prevented from filing due to: 1) Reliance on a specific representation by the district that it had resolved the problem forming the basis of the complaint, when the problem was not in fact resolved; or 2) Withholding of information that the District was required to provide under RCW 28A.600.477.

I. Addressing Bullying – Reports

Step 1: Filing an Incident Reporting Form or Raising Concerns of HIB

In order to protect a targeted student from retaliation, a student need not reveal their identity on an Incident Reporting Form. The form may be filed anonymously, confidentially, or the student may choose to disclose their 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.
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. Complainants 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 complainants, targeted students, and witnesses.

All reports of unresolved, severe, or persistent harassment, intimidation, or bullying of a student will be recorded on a district HIB Incident Reporting Form. Staff, students, or community reporters shall submit such forms to the principal or designee and to the Office of Student Civil Rights. Once recorded, the principal or designee must communicate with the district HIB Compliance Officer regarding the complaints.

Step 2: Receiving Oral or Written HIB Concerns

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 of a student will attempt to resolve the incident immediately. If the incident is resolved to the satisfaction of the parties involved, if the incident does not meet the definition of harassment, intimidation, or bullying, or if the conduct is not directed toward a student, no further action may be necessary under this procedure. If the parties involved are not satisfied with the attempt to resolve the situation, the staff member will notify the HIB Compliance Officer, the parties will be provided with a HIB Incident Reporting form, and given the opportunity to complete the form, thereby initiating the process for an official HIB investigation.

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

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

- a. Upon receipt of the Incident Reporting Form or other writing that alleges unresolved, severe, or persistent harassment, intimidation, or bullying of a student, the school's principal or designee will contact the district's HIB Compliance Officer or their designee to determine who shall begin the investigation. In most cases, the investigation will be conducted by a school building leader in order to also assess the application of provisions of the student code of conduct ("Basic Rules of Seattle Public Schools"). If there is potential for clear and immediate physical harm to the targeted student, district staff will immediately contact law enforcement and inform the parent/guardian.
- b. Allegations involving a staff member are not handled under the processes in this procedure, but should be reported to the district Human Resources Department for review and response. Additional Board Policies, Superintendent Procedures, and laws may apply, including WAC 392-190-0555.
- c. During the course of the investigation of allegations of student-to-student HIB under this procedure, district staff 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 safety plans for the students involved. The plan may include, but is not limited to, changing seating arrangements for the targeted student, 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 targeted student; altering the alleged aggressor's schedule and access to the targeted student, and any other measures deemed appropriate that address safety concerns and afford all parties with their due process rights.
- d. 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 (Board Policy No. 3210), the investigator will promptly notify the Director of Investigations & Compliance or designee. Upon receipt of this information, the Director of Investigations & Compliance or designee must notify the complainant that their complaint will proceed under the discrimination complaint procedure as detailed in Superintendent Procedure 3210SP.B., as well as this 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 set forth in Superintendent Procedure 3210SP.B will apply and begins when the district knows or should have known that a written report of harassment, intimidation, or bullying involves allegations of a possible violation of the district's nondiscrimination policy.
- e. Within two (2) school days after receiving the Incident Reporting Form, the principal or 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, or bullying of students.
- f. In rare cases, when 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 their parent/guardian, the district may initially refrain from contacting the parent/guardian in its investigation of harassment, intimidation, or bullying of a student. 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.

- g. The investigation will include, at a minimum:
 - An interview with the complainant;
 - An interview with the targeted student, if different than the complainant;
 - An interview with the alleged aggressor;
 - 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.
- h. The principal or designee may determine that other steps must be taken before the investigation is complete.
- i. 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 designated investigator will provide the parent/guardian and/or the student making the report with weekly updates.
- j. No later than two (2) school days after the investigation has been completed and submitted to the HIB Compliance officer, the principal or designee will 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 Board Policy No. 3207 and/or the student code of conduct (“Basic Rules of Seattle Public Schools”); and
 - The process for the targeted student to file an appeal if the student disagrees with results.

Because of the legal requirement regarding the confidentiality of student records, the principal or their 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 the 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 their 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 district’s HIB Compliance Officer.

Step 4: Corrective Measures for the Aggressor

After completion of the investigation, the principal or 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 discipline will be implemented according to the *Basic Rules of Seattle Public Schools* and relevant district policies. 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

If the targeted student or parent/guardian is dissatisfied with the results of the investigation, they may appeal to the district's HIB Compliance Officer by filing a written notice of appeal within five (5) school days of receiving the written decision. However, if the Compliance Officer provided direct support to the district staff on the investigation, the appeal will be assigned to an independent hearing examiner. The Compliance Officer or hearing examiner 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.

If the targeted student or parent/guardian remains dissatisfied after the initial appeal, an appeal may be filed with the Superintendent or their designee by filing a written notice of appeal with the Office of Student Civil Rights on or before the fifth (5) school day following the date upon which the targeted student received the HIB Compliance Officer's or hearing examiner's written decision.

On or before the tenth (10) school day following the filing of the written notice of appeal to the Office of Student Civil Rights, the Superintendent or their designee will review the appeal. 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. The Superintendent or their designee will review the record and render a written decision on the merits of the appeal on or before the fifth (5) school day following their review of the written record, and will provide a copy of the decision to all parties involved. The Superintendent's or designee's decision will either affirm or reverse the prior written decision regarding whether harassment, intimidation, or bullying occurred, and 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, and the student's history of problem behaviors and performance. Corrective measures may include, but are not limited to, counseling, correcting behavior and discipline, restorative practices when voluntary and appropriate, and other remedies or responses as appropriate. 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.

If staff have been found to be in violation of this policy and procedure by not reporting harassment, intimidation, or bullying or not preventing retaliation, the district may impose employment disciplinary action, up to and including termination. If a certificated educator is found to have committed a violation of Chapter 181-87 WAC, commonly called the Code of Conduct for Professional Educators, OSPI's Office of Professional Practice 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

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 will be addressed and remedied as appropriate.

J. Students with Individual Education Plans or Section 504 Plans

If allegations are proven that a student with an Individual Education Program (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.

K. Immunity/Retaliation

No district 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.

L. 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 of a student. 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.

M. For questions or more information, students and families can reach out 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
Email: Schoolsafety@k12.wa.us
360.725-6068
<https://www.k12.wa.us/student-success/health-safety/school-safety-center>

N. 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.

Allegations involving a staff member are not handled under the processes in this procedure, however additional Board Policies, Superintendent Procedures, and administrative guidelines/procedures may apply, including, but not limited to the following policies and their associated procedures:

- Board Policy No. 4220, Complaints Concerning Staff or Programs

- Board Policy No. 3210, Nondiscrimination, Acts of Hostility and Defamation
- Board Policy No. 3208, Sexual Harassment
- Board Policy No. 3246, Restraint, Isolation and Other Uses of Physical Crisis
- Board Policy No. 5006, Unprofessional Conduct of Staff
- Board Policy No. 5253, Maintaining Professional Staff/Student Boundaries
- Board Policy No. 5281, Staff Disciplinary Action and Discharge

O. 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: April 2024; September 2023; June 2021; March 2018

Cross Reference: Policy Nos. 2161; 2162; 3200; 3201; 3207; 3208; 3210; 3240; 3421; 5006; 5207; 5245; 5281; Superintendent Procedures 2161SP; 2162SP; 3208SP.A; 3208SP.B; 3210SP.B; 3421SP; 5207SP

Legal References: RCW 28A.600.477 Prohibition of harassment, intimidation, and bullying