

# Lowell Elementary School

“We work hard. We show respect. We make good choices. We are Lowell Leopards.”

5010 View Drive Everett WA 98203

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## **Mission Statement**

Our mission at Lowell Elementary School, in cooperation with parents and community, is to ensure that each student develops skills, knowledge, attitudes to achieve high standards and become a responsible citizen.

## **Lowell Policies and Procedures**

**Accident:** If an accident occurs involving staff, this should be reported immediately to administration.

**Staff Meetings:** These meetings are for certificated staff, are held on Wednesday afternoons and begin at 3:00 pm in the library (2:30 via Zoom if we have online instruction). By contract, attendance is required for all certificated staff; other staff members are encouraged to attend. Certificated staff who cannot attend a staff meeting are expected to discuss the need to be absent with an administrator prior to the meeting. A make-up meeting or discussion will then be scheduled.

### **Grading Periods**

The academic year at Lowell is divided into two semesters: First semester starts September 9th, and second semester starts February 8th.

### **School District Calendar**

Below is a copy of the school district calendar for 2020-21. This calendar can also be found in Google Drive, staff folder, schedules folder, all school schedules. *(\*\*\* Note- Due to negotiations, the district calendar was not available to be included in this document at time of submission)*

### **Learning Improvement Fridays (LIF)**

LIF days occur on designated Fridays at the end of the school day. The purpose of this student early release time is to provide a resource for school improvement work that consequently protects both instructional time for teachers and students, and the individual and collaborative preparation activities that have a direct impact on student learning.

### **Administrator-facilitated Fridays**

Administrators will engage with collegial teams on matters related to the continuous improvement of instruction, school programs, professional growth, student learning opportunities and best instructional practices. Partial FTE staff will work with their principal to develop a plan regarding their use of this time.

### **Employee-facilitated Fridays**

Employees will engage in the implementation of programs and classroom instruction,

which may include but not be limited to, planning lessons and units, scoring and analyzing students' work, using the data to plan next steps, and/or collaborating with their colleagues in this process.

### **Staff Call Backs**

To be determined by the principal- they will be communicated out at least two weeks prior to the call back event.

### **Copies and Printing**

Copies cost money. Please be judicious in the use of printers and numbers of copies. This is especially important with color copies. See Wayne or Renee for the color copy code.

The color printer is to be used only if it is something to keep. The color printers are located in the conference room and library. No black and white copies should be sent to the color printers.

It is always cheaper for you to print to the main copy machines. The office manager can assist you with adding the copiers as a printer option if you don't already know how to do this.

### **District Policies**

In the same Google Drive folder of this document are the District's policies and procedures that you are responsible for each year. There are quite a few changes, so please be sure to read through these pages carefully. The district policies are also at the bottom of this document.

### **Early Dismissal/Late Start Procedures for Emergency/Weather Situations**

In the case of an early dismissal from school for weather or other emergencies, staff are required by contract to remain on campus until all students have been safely dismissed. Staff are expected to make all safe efforts to arrive at work at the usual time in the case of a late start.

When inclement weather or other emergency conditions delay the start of the school day or cause a school cancellation, you need to listen to the major area radio and TV stations. Most radio and television stations will announce any school schedule change or

cancellation every 15 to 30 minutes. Lowell does not implement a phone tree, so you need to rely on the radio and TV to know if school is running late or is cancelled.

### **Communications**

**Email:** Email is considered a central form of communication in the Everett Public Schools. “All messages on the Everett Public Schools email system are considered to be Public Records.” No privacy is guaranteed for any message sent on this system. Never send a message that you would not want to see appear in the newspaper, court records, etc. All staff are to check their email each day. During an emergency lockdown, please check your email.

**Parent Newsletter:** The Lowell Times is published once a month and will be printed and placed in your staff box. Staff members are responsible to give the students this newsletter and have them place it in their folder and/or backpack.

### **Principal Paws**

Principal Paws is the main form of communication used by the principal. It is available every Monday morning and can be located in your email and on the Smores website (<https://www.smores.com/u/cindyfoster6>). It is imperative that staff read Principal Paws.

**Mailboxes in staff lounge:** Teachers are requested to check their mailbox before and after school. Only emergency messages will be delivered to the classroom. Teachers should not send students to the office to retrieve mail. All other staff members are also requested to check their mailboxes daily.

**Public Relations:** As staff members of Lowell Elementary School and an employee of the Everett Public School, we all share the responsibility to promote a positive image of our school. Studies show that our community members put more faith in the comments of staff members than in our printed information or comments by students. Please use discretion when discussing issues and concerns with others in the community. When approached by reporters regarding sensitive or tragic incidents, refer the reporter to the administration.

### **Staff – Student Communication**

Contact between staff members and students should always be professional and, in order to ensure your own and the students’ safety and welfare, should also be in public and reasonably related to the student’s progress in school. If at any time, you feel that a student is communicating with you in a manner that puts your professionalism at risk,

contact an administrator immediately.

**Telephone:** Students may use a school phone only in an emergency and only with the permission of a teacher or staff member. Students asking to use a phone should be directed to use the phone during lunch or during other non-instructional time. Students are not to be excused from class because they need to use the phone. Arrangements for visiting friends after school, or similar personal issues, are not considered important and should be made at home. Classroom phones – If students will be answering your classroom phone, please train them how to answer your phone appropriately, for example, “Ms. Smith’s classroom, student speaking”.

**Voicemail:** To facilitate communication with parents, teachers are requested to update their voice mail regularly and to check their voicemail on a daily basis. Remember to answer voicemail within 24 hours of receipt.

**Instruction:** The ESD has established policy regarding curriculum that states: “The Board recognizes that the delivery of instruction will vary among schools and staff and will be further differentiated by the learning needs of students. Nonetheless, instruction throughout the district will be derived from a common curriculum. An integrated, multi-disciplinary curriculum will provide teachers, students, and parents with the District’s expectations of what students should know and be able to do. Teachers are expected to follow the curriculum. Principals will provide appropriate instructional supervision to ensure implementation.” [2121]

## **Discipline Process**

Lowell is a PBIS school and we will utilize this program when deciding on and implementing corrective actions for a student. Refer to the PBIS Google Drive folder for specifics of the program.

## **Goals of Discipline**

Discipline is not limited to, classroom instruction, helping students with academics after school in your classroom or other campus location, and meeting with students in a school-sanctioned club or activity. Expressing care and concern for a student when they indicate that they are having personal or academic difficulty is also appropriate. Staff members other than trained counselors should take care, however, to avoid counseling students and should refer them to the school counselor as needed.

In all your interactions, it should be clear that your role as a staff member is separate from

your role as a private citizen. Examples of interactions with students where this separation of roles becomes unclear include, but are not limited to, inviting students to your home for social gatherings, engaging in telephone, email, text messaging, or other communications with students that are purely social in nature and not related to school.

The overall goal of all discipline at Lowell is to instruct students in the skills necessary for effective self-discipline and to encourage students to become self-managers. According to ESD Policy 3000, “In order to preserve an orderly and safe learning environment, students must abide by the reasonable rules and instructions of staff. Corrective action shall be fairly and moderately handed out primarily to modify behavior rather than to punish students.”

**Teacher Rights and Responsibilities:** Teachers have both rights and responsibilities in regard to student discipline in accordance with ESD Policy 3325. In addition, the Collective Bargaining Agreement (CBA) outlines the rights and responsibilities of teachers regarding student discipline. Teacher rights are enumerated in CBA Section 5.07. Teacher responsibilities are stated in CBA Section 10.03 V.

**Discipline Policy/Procedures:** The principal, assistant principal and support staff are available to assist staff members with counseling and/or behavior needs of students. Emergency situations should be brought to the attention of the principal immediately. If downloaded on your phone, RAVE 911 should be used for an active shooter, fire, life threatening medical emergency, or gas leak, as this is the fastest way to get emergency services here, and will notify the entire staff at once. Please refer to your LID training documents regarding RAVE 911.

**Student Behavior at School:** All teachers are required to go over the District’s Rights and Responsibility Handbook, including the policy on Sexual Harassment and Bullying and Harassment, with students in a developmentally appropriate way. Teachers need to collect their signed Handbook sheets from EACH parent. These will be returned to the main office and stored for one year.

Teachers should discuss with their students the rules governing student behavior at school and they should continue to remind them about safety on the way to and from school.

PBIS procedures should be reviewed and explicitly taught each year. Routines and

procedures should be taught during the first two weeks of school, and should be reviewed consistently throughout the year.

See Lowell Student Handbook and District Student's Rights and Responsibilities for further details about student behavior and expectations.

**Assembly Conduct:** Assemblies are held for the education and enjoyment of students and faculty. Give every courtesy to the speaker and to the program. It is the responsibility of each student to maintain high standards of conduct. Staff must be seated in student areas (assigned seats if provided or with class) to maintain a positive atmosphere. The universal signal at Lowell to quiet the crowd is, voice level zero, with hand raised in a fist. Then the presenter waits until students adhere to this expectation.

**Field Trips:** Approval for any field trips must go through Cindy Foster, principal. Field trip forms are available in the office from Wayne Hagin. It is important to plan field trips way in advance so that there is adequate planning time. Refer to the staff calendar for open dates and times for field trips.(2320P)

**Chaperones:** The number of adult supervisors should be based upon the age of students, duration of the trip, safety considerations, and nature of activities planned. Students should be under the direct supervision of a staff member or adult supervisor. Renee Moore maintains a list of those adult chaperones who are already approved. She can help you determine if your volunteer chaperones are cleared to assist. Be sure to discuss any questions about adequate supervision with Cindy Foster. A district staff member shall accompany students on field trips.

## **Keys**

If you do not have a key and/or employee badge to get into the building, please see the Office Manager and keys will be issued to you with the approval of the Principal. Please follow these guidelines for school keys carefully:

1. Always keep your building keys and badge with you. Keys and staff badge are never to be given to students.
2. Sign a record for each key/badge issued to you.
3. In the event of a lost key or badge, the principal should be notified immediately. The principal is responsible for notifying the maintenance department immediately upon the report of a lost key or badge.
4. Do not duplicate keys. This is a serious violation of district policy.
5. Return all keys/badge when you no longer have assigned school responsibilities for the

areas of the campus for which you were issued keys/badge.

### **Lamination**

There is one lamination machine at Lowell and it is located in the kiln room. Due to the high cost of laminating materials and maintenance cost, all lamination is completed by two people designated by the Principal (Colleen Rader and Frances Fritze). If you need something laminated, you will please follow these procedure:

1. Place the papers in the laminating request box in the workroom. 2. Lamination will take place as time allows and finished products will be placed in your box, or delivered to your room if too large.

**Room Clean-Up:** All staff is responsible for keeping classrooms, instructional and office spaces neat and orderly. A special effort needs to be made for total student participation in room clean-up before dismissal time. Students should understand this is their classroom and community, and contribute to the care of their space: a) Chairs should be on desks or tables for vacuuming. b) Paper, pencils, books, crayons, etc. off the floor. c) Counters and storage areas should be neat. d) Our students receive breakfast and lunch provided each day. Snacks or food in the classrooms should be kept to a minimum and cleaned up thoroughly at the end of each day. Sticky/syrupy/goosey snacks are not permitted in classrooms. In addition, please focus on healthy, non-sugary snacks when you feel you must feed snacks.

**Room and Hallway Decorations:** Hallways should be kept clear of trash and other clutter. Please do not put items for surplus out into the hallway. Items for surplus should be left in the room and an email to Joe, custodian, be generated asking him to submit an order for the item to be surplus. Also, cc the principal so she is aware of the item needing surplus.

**Staff Leaving Building During Work Day:** Staff leaving the building during their scheduled lunch or prep period should sign out and inform the office prior to leaving and upon their return. The same is true if a staff member is leaving early from the building.

**Staff Absences:** Staff are responsible for informing the district of any absence by logging in to the Frontline system. See the office manager if you need training on reporting an absence. Staff must log in to the system personally; the office cannot call or arrange a substitute for you. If you feel sick and are unsure of your absence the next day, PLEASE REPORT THE ABSENCE ANYWAY. It is easier to cancel a sub than to find one in the



morning.

### **Staff Substance Abuse and Reporting Process**

If you suspect a staff person is at work under the influence of alcohol, a controlled substance or other intoxicants you are to:

1. Immediately have a witness present with the individual. It is preferable to have a witness who has substance abuse training, e.g. a substance abuse counselor.
2. Notify the school administrator and he/she will then notify the Assistant Superintendent or a Human Resources Director immediately whether it is a verified or a second hand report. You will be then guided through the next steps. It is of little value to report the suspected usage the next day, week or weeks afterwards. Do not take a wait and see approach.
3. Do not send the person home!
4. For certificated staff, keep in mind the Code of Professional Conduct, WAC 180-87-055, Alcohol or Controlled Substance Abuse:

Unprofessional conduct includes:

Being under the influence of alcohol or of a controlled substance, as defined in chapter 69.50 RCW, on school premises or at a school-sponsored activity involving students, following:

Notification of the education practitioner by his or her employer of concern regarding alcohol or substance abuse affecting job performance.

A recommendation by the employer that the education practitioner seek counseling or other appropriate and available assistance; and

The education practitioner has had a reasonable opportunity to obtain such assistance.

The possession, use or consumption on school premises or at school-sponsored activity of a Schedule 1 controlled substance, as defined by the state board of pharmacy, or a Schedule 2 controlled substance, as defined by the state board of pharmacy, without a prescription authorizing such use.

The consumption of an alcoholic beverage on school premises or at a school-sponsored activity involving students if such consumption is contrary to written policy of the school district or school building.

Selling Items at School: The conducting of private business or selling unauthorized items is prohibited.

### **Child Study Team (CST)**

The CST team meets once a week. The purpose of the team is to make decisions and recommendations about the students who are struggling with academics, discipline, attendance, or social-emotional health. If teacher intervention produces unsuccessful results, students are referred by the teacher to the counselor. Also, teachers are expected to complete the CST document prior to referral to the counselor. The CST referral form is in the CST folder in Google Drive.

### **Student Property**

See Student Handbook for Procedure

### **Privacy Rights of Parents/Guardians of Students**

The Everett School District, in compliance with Federal Laws 93-308 and 93-568, presents these facts for the information of parent(s)/guardian(s) and students.

As in the past, a student's records are open for inspection and review with interpretation to the parent(s)/guardian(s) of the student, legal guardian(s), or the student himself/herself if eighteen years of age or older. Appointments may be made at the principal's office for viewing cumulative records of grades, achievement test scores, health records, or psychological records. (Psychological are administered only with prior parent(s)/guardian(s) approval.) Parent(s)/guardian(s) or students eighteen years of age or older may view their records, attach written comments, or request a hearing to remove a part of the records.

Student record information will not be released to most persons or agencies without the written consent of the parent(s)/guardian(s). However, the Everett School District will forward elementary and secondary student's educational records on request to the school in which the student seeks or intends to enroll without further parent(s)/guardian(s) notification. Parent(s)/guardian(s) may receive a copy of the records at their expense if requested. Similarly, transcripts or other information requested by students will be forwarded to colleges and educational institutions to which students are applying.

## **School Conduct Rules**

Refer to the Student Rights and Responsibilities Handbook

**Student Recognition:** All staff should plan for the recognition of personal and academic achievement of students. “The Board encourages staff to recognize students for significant growth and/or improvement in academic achievement and/or distinguished performance in any school or classroom activity.” [2440]

**Substitute/Guest Teachers:** Guest Teachers are a critical part of the smooth operation of the education program at Lowell Elementary School. Staff are expected to carefully prepare for any absence, whether pre-arranged or sudden. You should speak frequently with your students concerning your expectations for behavior and activity at any time when the class is being taught by a guest teacher.

1. Each teacher will complete a substitute binder which will be kept in the conference room. See our Google Drive, Staff folder, Staff handbook folder, Guest Teacher handbook folder for all necessary forms. Complete these forms each year and add them to your substitute binder located in the conference room. It is expected you will do this in a timely manner at the beginning of the school year. 2. All staff shall maintain up-to-date seating charts for each class and keep them in a place where a guest teacher can locate them easily. 3. Teachers shall make adequate plans to assist guest teachers in conducting learning experiences appropriate to their subject and the instructional goals. 4. All students with health concerns need to be prominently noted in the handbook so the notes about these students are easily recognized by the substitute and they know what to do in case of an emergency. 5. Preferred guest teachers can be requested through the district’s automated substitute calling program. Staff with questions about this system should ask for help from the office manager.

**Teaching Supplies:** Materials and supplies are available in the workroom/copy room for your use. If you cannot find needed items, please check with the office staff. Students will not be allowed in the copy room at any time. Our budget is tight, so please take only what you need. Student supplies, such as requests for pencils, papers, etc. should be referred to the counselor.

**Visitors:** All visitors must sign in and out through the front office. Please advise the front

office staff if you are expecting a visitor to your classroom. For complete information, refer to the district's policies on visitors. Certain visitors are prohibited from visiting students. Please see Policy 4314P for specific information.

**Work Day:** At Lowell Elementary School, the normal work day for certificated staff is from 8:00 to 3:30 pm, except for those days with modified work schedules or when a work day extension has been scheduled.

**Attendance:** Attendance will be done by the teachers on the computer every day at 9:00. Excused absence notes are expected from parents or guardians and are to be turned into the office daily. Students who are tardy must report to the office for a tardy pass before entering class. Due to the new attendance policy, teachers cannot accept verbal or phone called absences or tardy excuses from parents. Every excuse must be referred to the office. All absence excuses must be in writing and cannot be verbal. Emails are accepted and excuses can be sent to [LOAttendance@everettsd.org](mailto:LOAttendance@everettsd.org).

**Bicycles:** Children in grades 3, 4 and 5 may ride bicycles to school. They are to be walked across all patrol crossings and while on the school grounds. Students who ride their bikes to school will be required to register their bikes in the school office, and must wear a helmet and have a bike lock. Students need to get the bike riding permission form from the office and complete it before starting to ride their bike to school.

**Common Area Supervision:** Administrators, paraeducators, teachers and support staff are all responsible for all student behavior in common areas. These are all our students. It is important to be sure each child knows what is expected of him in regard to behavior and rules and regulations. Teachers will assist in teaching behavioral expectations for the cafeteria, playground, and hallways. It is crucial that all students understand that all staff have the same authority as teachers in common areas.

**Conferences:** Regular parent/teacher conferences are scheduled in November and March for grades P through 5. However, teachers are encouraged to maintain close contact with parents through parent-teacher conferences, telephone contact, classroom visits, online/email, parent newsletters, etc. Parent communication is crucial and is part of the TPEP process under Criterion 7. Please see that rubric for performance standards.

**Dismissal:** Parents shall either wait outside, at the blacktop area to pick up their child, or

by car in the drop off/pick up lane. Parents are not to park across the street, then walk to the school. Upon dismissal, the students are to leave the school grounds and go directly home. Exceptions will be made for patrols, students assigned to special tasks, activities or projects.

\*All early dismissals must be cleared through the office; and all students must be picked up by parent/guardian from the office. Parents that appear at your door, without a visitor's pass, must be sent to the office.

Forgotten Items at Home: Parents/Guardians should deliver forgotten lunches, coats, etc. to the office rather than disturbing a class in session.

Ill Students and those needing First Aid: Students who are ill or are in need of first aid should be sent to the health room with a hall pass. All cases where students are injured or become seriously ill should be reported immediately to the health room or school office. It is the responsibility of the assigned duty person to fill out an accident report form for any injury. Teachers are encouraged to use their best judgment in referring students to the health room. Please only send students who are sick or injured.

Instructional Materials Policy: Our district has selected core instructional programs for ELA, math and science. When choosing supplemental materials, please adhere to the district policy 2311.

Money: No money should be left at school overnight. Also, it should not be left in student desks during the day. Students should only bring enough money for lunch to school. Money for field trips or special activities must be collected in the morning and turned in to the office daily.

School Activities: All school activities, assemblies, clubs, guest speakers or related activities held in the school, other than the authorized curriculum, must be approved by the principal prior to its being carried through.

Student Supervision: Classes are to be supervised by a teacher at all times. Teachers must also supervise their classes when moving from one area to another, in and out of the building. Teachers will be responsible for prompt drop off and pick up of their students from specialists, lunch and/or recess. Please remember, if you are late or early, you are

affecting someone else's ability to carry out their duties on time as well.

**Birthdays/Celebrations:** In order to preserve the instructional integrity of the classroom, celebrations in the classroom will be limited to the end of the school day. Please consult teachers so they can set aside the necessary time. Treats must be store bought, not homemade. Please no drinks or frozen treats. Sweets should be limited—healthy options are preferred. Avoid bringing any treat with peanuts or peanut butter due to allergies.

**Pledge of Allegiance:** The Pledge of Allegiance at Lowell is recited in each classroom each morning. According to ESD Policy 2333, “Flag exercises shall be conducted in each classroom at the beginning of the school day and the opening of all school assemblies. Students not reciting the Pledge of Allegiance shall maintain a respectful silence.”

### **District Policies and Procedures**

District policies are adopted by the Everett Public Schools Board of Directors, based on laws and regulations. Procedures are developed by administrative staff to implement Board adopted policies.

You can also see the same policies below in a separate document in Google Drive, Staff Handbook folder.



# **District Policies and Procedures**

District policies are adopted by the Everett Public Schools Board of Directors, based on state and federal laws and regulations. Procedures are developed by administrative staff to implement board adopted policies.

The following pages provide district staff our nondiscrimination, harassment, and complaint policies and procedures, as well as some of the most frequently referenced policies and procedures. Included are examples of how the policy/procedure might apply in a specific situation. All district policies and procedures can be accessed online at <https://docushare.everett.k12.wa.us/docushare/dsweb/View/Collection-189>.

### **Nondiscrimination Statement**

Everett Public Schools does not discriminate in any programs or activities on the basis of sex, race, creed, religion, color, national origin, age, veteran or military status, sexual orientation, gender expression or identity, disability, or the use of a trained dog guide or service animal and provides equal access to the Boy Scouts and other designated youth groups. The following employees have been designated to handle questions and complaints of alleged discrimination:

· <b>Executive Director</b>	· <b>Title IX/Civil Rights</b>	· <b>Section 504 Coordinator</b>
<b>Human Resources</b>	<b>Compliance Officer</b>	Dave Peters
Debra Kovacs	Mary O'Brien	425-385-4063
425-385-4103	425-385-4106	
· <b>ADA Coordinator</b>	· <b>HIB Compliance Officer</b>	
Randi Seaberg	Robert Polk	
425-385-4104	425-385-4260	

Please refer to the enclosed nondiscrimination policy for further information on how to submit an informal or formal complaint. Staff needing information regarding translation services or transitional bilingual education programs can contact Chad Golden at [cgolden@everettsd.org](mailto:cgolden@everettsd.org) or 425-385-4030.



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### **Policy 2152 Nondiscrimination on the Basis of Sex in Education Programs and Activities and Title IX**

Everett Public Schools shall not discriminate on the basis of sex in its educational programs or activities. The district is required by Title IX of the 1972 Educational

Amendments and by regulations promulgated thereunder not to discriminate on the basis of sex against students, student activities, applicants or employees.

Consistent with the requirements of Title IX, Everett Public Schools is committed to provide opportunities in interscholastic athletics for female and male students in the district, which equally and effectively accommodate the athletic interests and abilities of members of both sexes. The district will develop procedures to determine if it is meeting the requirements of Title IX and how the addition of an interscholastic sport may be requested and processed.

Any person having an inquiry concerning Everett Public Schools' implementation of the state and federal statutes and regulations should contact the district's Title IX/Civil Rights Compliance Officer or the district administrator in charge of student athletics.

The superintendent is authorized to develop administrative procedures to implement this policy.

#### **Procedure 2152P Nondiscrimination on the Basis of Sex in Education Programs and Activities and Title IX**

Consistent with the requirements of Title IX, Everett Public Schools is committed to provide opportunities in interscholastic athletics for female and male students in the district, which equally and effectively accommodate the athletic interests and abilities of members of both sexes. These procedures were developed to assist Everett Public Schools in meeting the requirements of Title IX.

#### **Title IX Program/Activity Evaluation**

To provide equal educational opportunity in its programs, including athletic programs, the Title IX/Civil Rights Compliance Officer, in cooperation with the district's administrator for athletics, shall be responsible for providing ongoing monitoring to assure that the district's athletic program effectively accommodates the athletic interests and abilities of both sexes. The Title IX/Civil Rights Compliance Officer shall annually report to the superintendent regarding participation opportunities for students and will recommend any changes needed for program compliance.

#### **Determination of Effective Accommodation**

The district will provide participation opportunities in interscholastic athletics for



female and male students, which equally and effectively accommodate the athletic interests and abilities of members of both sexes. In determining the district's compliance with the requirements of Title IX, the following three-prong test will be utilized in determining accommodation:

1. Provide interscholastic participation opportunities for male and female students in numbers substantially proportionate to their respective enrollments; or
2. Show a history and continuing practice of program expansion, which is demonstrably responsive to the developing interests, and abilities of both sexes; or
3. Demonstrate that the program has fully and effectively accommodated the interests and abilities of both sexes.

### **Student Interest Survey**

The district will conduct a formal written survey of every student in all grades that offer interscholastic activities regarding their interests and abilities. The student interest survey will be conducted every three years and will include:

1. At a minimum, all interscholastic sports currently offered by the district and those sponsored by the Washington Interscholastic Activities Association (WIAA) by sport season; and
2. A space for the student to indicate interest in additional sports not currently offered by the district and/or not currently sponsored by the WIAA by sport season.

The results of the survey and information from other sources will help determine if program additions, modifications or changes are needed to the existing program to assist the district in program compliance.

### **Student Requests for Modifications of Existing Programs or Additional Sports**

Students may make a formal request for modifying an existing program or adding a new sport. Request forms are available at the district athletic office and will be turned in to the district's administrator for athletics for processing. The administrator will work with the appropriate building principal to determine if the request can be approved. The athletic administrator will respond back in writing to the requesting party within 20 days of receipt. If the request is not approved, the submitting party may request that it be forwarded to the district's Title IX/Civil Rights Compliance Officer for consideration during the Title IX/Civil Rights Compliance Officer's annual report to the superintendent.

## **Procedure 2152P Nondiscrimination on the Basis of Sex in Education Programs and Activities and Title IX (cont.)**

The Title IX/Civil Rights Compliance Officer will review each request and respond back to the submitting party in writing within 20 days of receipt. If the request is subject to further review, the district's response shall provide a date of final response.

### **Annual Building Program Review**

Each building will participate in an annual building program review and submit it to the Title IX/Civil Rights Compliance Officer for processing. The content and format of this review will be established by the district's Title IX/Civil Rights Compliance Officer. The results will be used in the Title IX/Civil Rights Compliance Officer's annual report to the superintendent.

### **Record Retention**

All information gathered and requested by the Title IX/Civil Rights Compliance Officer and presented in the yearly report to the superintendent will be retained for five years. This would include student interest surveys, building program reviews and requests for modification of existing programs or adding of additional sports.

### **Information and Inquiry**

Information about [Policy 2152](#) and [Procedure 2152P](#) will be published initially and as needed in the [Student Rights and Responsibilities Handbook](#).

Any person having an inquiry concerning Everett Public Schools implementation of the state and federal statutes and regulations should contact the district's Title IX/Civil Rights Compliance Officer or the district administrator in charge of student athletics.

## **Policy 3204 Prohibition of Harassment, Intimidation or 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 (HIB). Our district's core values include our commitment to value differences among people and treat one another respectfully. HIB of students by other students, by staff members, by volunteers, by parents or by guardians is prohibited.

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 [RCW 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**

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

HIB 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.

### **Policy 3204 Prohibition of Harassment, Intimidation or Bullying (cont.)**

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 HIB 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 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 designed to prevent HIB. In its efforts to educate students, the district will seek partnerships with families, law enforcement and other community agencies.

#### **Interventions**

Interventions will be designed to remediate the impact on the targeted student(s) and upon 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 determining intervention strategies. Interventions will range from counseling, correcting behavior and discipline, to law enforcement referrals.

### **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 HIB, 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 the HIB incident was based on the student's disability. During the meeting, the team will evaluate issues such as the student's academic performance, behavior 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 HIB 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 HIB, or participating in an investigation.

It is also a violation of district policy to knowingly report false allegations of HIB. 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 will appoint a compliance officer as the primary district contact to

receive copies of all informal complaints ([HIB Incident Report Forms](#)) and to ensure policy implementation. The name and contact information for the HIB compliance officer will be communicated throughout the district. The district HIB compliance officer will participate in at least one (1) mandatory training opportunity offered by OSPI.

The superintendent is authorized to direct the implementation of procedures addressing the elements of this policy.

### **Procedure 3204P Prohibition of Harassment, Intimidation and Bullying**

#### **A. Introduction**

Everett Public Schools 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.

### **Procedure 3204P Prohibition of Harassment, Intimidation and Bullying (cont.)**

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

“Harassment, intimidation, or bullying” (HIB) means any intentional electronic, written, verbal, or physical act that:

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 HIB 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 HIB.

“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 HIB 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 wellbeing. 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.600.477](#) Prohibition of harassment, intimidation and bullying. 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.600.477](#) – Prohibition of harassment, intimidation and bullying
2. [RCW 28A.640.020](#) – Regulations, guidelines to eliminate discrimination—Scope—Sexual harassment policies



## Procedure 3204P Prohibition of Harassment, Intimidation and Bullying (cont.)

3. [Chapter 28A.642 RCW](#) – Discrimination prohibition
4. [RCW 49.60.010](#) – Purpose of chapter; the “law against discrimination”

The district will ensure its compliance with all state laws regarding HIB. 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 HIB; 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 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 HIB 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 HIB compliance officer will participate in at least one (1) mandatory training opportunity offered by the Office of Superintendent of Public Instruction (OSPI). Staff will receive annual training on the 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 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 HIB in schools.

#### F. Compliance Officer

The district HIB compliance officer will:

1. Serve as the district's primary contact for HIB. If the allegations in a written report of HIB indicate a potential violation of [Policy 3204](#), the district staff member who receives the report must promptly notify the district HIB 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 relating to HIB, and letters to parents/guardians providing the outcomes of investigations.
4. Communicate with the district's designated Title IX/Civil Rights Compliance Officer. If a written report of HIB indicates a potential violation of the district's nondiscrimination policy ([Policy 3210](#)), or if during the course of an investigation of HIB, the district becomes aware of a potential violation of the district's nondiscrimination policy, the compliance officer must promptly notify the district's Title IX/Civil Rights Compliance Officer. At that time, the compliance officers must promptly notify the complainant that their complaint will proceed under both [Policy 3204](#) and this procedure, and [Policy 3210](#) and [Procedure 3210P](#). The investigation and response timeline for the nondiscrimination procedure begin when the district knows or should have known that a written report or investigation of HIB involves a potential violation of the district's nondiscrimination policy.

## **Procedure 3204P Prohibition of Harassment, Intimidation and Bullying (cont.)**

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 the 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.
9. In cases where, despite school efforts, a targeted student experiences HIB 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:  
<http://www.k12.wa.us/SafetyCenter/default.aspx>.

### G. Staff Intervention

All staff members will intervene when witnessing or receiving reports of HIB. Minor incidents that staff are able to resolve immediately, or incidents that do not meet the definition of HIB, 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 HIB. A sample form is provided on OSPI's School Safety Center website:

<https://www.k12.wa.us/sites/default/files/public/safetycenter/bullyingharassment/pubdocs/samplehibincidentreporting.pdf>.

Any student or students who believe they have been the target of unresolved, severe, or persistent HIB, 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 HIB 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 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 increased monitoring of 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 fifth 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 near the basketball court but asks that nobody know who reported the incident. The supervisor says, "I can start monitoring the basketball court more closely and keep an eye out for your classmate and any problems that might crop up, but I can't take any disciplinary action against the bully(ies) unless you or someone else who saw it is willing to let me use their names.")

## Bullying (cont.)

### 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 in [Policy 3204](#) and this procedure to protect complainants and witnesses.

### **Step 2: Receiving an Incident Report Form**

All staff members are responsible for receiving oral and written reports. Whenever possible, staff members who initially receive an oral or written report of HIB 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 HIB, no further action may be necessary under this procedure.

All reports of unresolved, severe, or persistent HIB 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 HIB**

All reports of unresolved, severe, or persistent HIB will be investigated with reasonable promptness. Any student may have a trusted adult (e.g., parent/guardian, relative, mentor, staff member) with them throughout the report and investigation process.

- a. Upon receipt of the [Incident Reporting Form](#) that alleges unresolved, severe, or persistent HIB, the school or district designee will begin an 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.
- b. During the course of the investigation, the district will take reasonable measures to ensure that no further incidents of HIB occur between the complainant and the alleged aggressor. If necessary, the district will implement a safety plan

(<https://www.k12.wa.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 [Policy 3210](#), Nondiscrimination, the investigator will promptly notify the district's Title IX/Civil Rights Compliance Officer. Upon receipt of this information, the Title IX/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 HIB involves allegations of a violation of the district's nondiscrimination policy.

c. 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 HIB.

d. 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 their parent/guardian, the district may initially refrain from contacting the parent/guardian in its investigation of HIB. If professional school personnel suspect that a student is subject to abuse or neglect, they must follow district [Policy 3421](#) for reporting such cases to Child Protective Services or law enforcement.

## **Bullying (cont.)**

- e. The investigation shall include, at a minimum:
  - An interview with the complainant;
  - An interview with the alleged aggressor;
  - A review of any previous complaints involving either the complainant or the alleged aggressor; and
  - Interviews with other students or staff members who may have knowledge of the alleged incident.
- f. The principal or designee may determine that other steps must be taken before the investigation is complete.
- g. 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.
- h. 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 in person to the parent/guardian of the complainant 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 complainant to file an appeal if the complainant disagrees with results.

Because of the laws regarding the confidentiality of student records (FERPA), 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 the 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 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 or law enforcement.

If the incident cannot be resolved at the school level, the principal or designee shall request assistance from the district 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 soon as possible, but in no event more than five (5) school days after contact has been made with the families or guardians regarding the outcome of the investigation.

Corrective measures that involve student discipline will be implemented according to district [Policy 3300](#) – Student Discipline. If the accused aggressor is appealing the imposition of discipline, the district may be prevented by due process considerations or 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 HIB, that individual may be subject to corrective measures, including discipline.

### **Procedure 3204P Prohibition of Harassment, Intimidation and Bullying (cont.)**

#### **Step 5: Targeted Student’s Right to Appeal**

- a. If the complainant or parent/guardian is dissatisfied with the results of the investigation, they may appeal to the superintendent or designee by filing a written notice of appeal within five (5) school days of receiving the decision. The superintendent or 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.
- b. 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 superintendent on or before the fifth (5th) school day following the date upon which the complainant received the superintendent's written decision.

c. An appeal to the school board or discipline 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 discipline 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 shall provide a copy of the decision to all parties involved. The board or council's decision will be the final district decision.

### **Step 6: Discipline/Corrective Actions**

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

Corrective measures for the student who commits an act of HIB 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 3300](#) – Student Discipline.

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

If staff have been found to be in violation of [Policy 3204](#) and this procedure, 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 Practices may impose disciplinary action on a certificate, up to and including revocation. Contractor violations of [Policy 3204](#) may include the loss of contracts.

### **Step 7: Support for the Targeted Student**

Persons found to have been subjected to HIB 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.

#### **J. 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 HIB. Retaliation is prohibited and will result in appropriate discipline.

#### K. Other Resources

Students and families should use the district's complaint and appeal procedures as a first response to allegations of HIB. However, nothing in this procedure prevents a student, parent/guardian, school, or district from taking action to remediate discrimination or harassment based on a student's membership in a legally protected class under local, state or federal law. A HIB 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](mailto:equity@k12.wa.us)

<https://www.k12.wa.us/policy-funding/equity-and-civil-rights>

- Washington State Human Rights Commission

800-233-3247

<http://www.hum.wa.gov/>

#### **Procedure 3204P Prohibition of Harassment, Intimidation and Bullying (cont.)**

- Office for Civil Rights, U.S. Department of Education, Region IX

206-607-1600

Email: [OCR.Seattle@ed.gov](mailto:OCR.Seattle@ed.gov)

[www.ed.gov/about/offices/list/ocr/index.html](http://www.ed.gov/about/offices/list/ocr/index.html)

- Department of Justice Community Relations Service

877-292-3804

[www.justice.gov/crt/](http://www.justice.gov/crt/)

- Office of the Education Ombudsman

866-297-2597

Email: [oeoinfo@gov.wa.gov](mailto:oeoinfo@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>

#### L. Other District Policies and Procedures

Nothing in [Policy 3204](#) or this procedure is intended to prohibit discipline or remedial action for inappropriate behaviors that do not rise to the level of HIB as defined herein, but which are prohibited by other district or school rules.

### **Policy 3205 Sexual Harassment of Students**

It is the policy of Everett School District to maintain a learning environment for students that is free from all forms of discrimination, including sexual harassment. This commitment extends to all students involved in academic, educational, extracurricular, athletic, and other programs or activities of the school, whether that program or activity is in a school facility, on school transportation or at a class or school training held elsewhere.

For the purposes of this policy, “**sexual harassment**” means unwelcome conduct or communication of a sexual nature. Sexual harassment can occur adult to student, student to adult, student to student or can be carried out by a group of students or adults and will be investigated by the district even if the alleged harasser is not a part of the school staff or student body. The district prohibits sexual harassment of students by other students, employees, or third parties involved in district activities.

Under federal and state law, the term sexual harassment may include:

- acts of sexual violence;

- unwelcome sexual or gender-directed conduct or communication that interferes with an individual's educational performance or creates an intimidating, hostile, or offensive environment;
- unwelcome sexual advances;
- unwelcome requests for sexual favors;
- sexual demands when submission is a stated or implied condition of obtaining an educational benefit;
- sexual demands where submission or rejection is a factor in an academic, or other school-related decision affecting an individual.

A “**hostile environment**” has been created for a student when sexual harassment is sufficiently serious to interfere with or limit the student's ability to participate in or benefit from the school's program. The more severe the conduct, the less need there is to demonstrate a repetitive series of incidents. In fact, a single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe, violent, or egregious.

### **Investigation and Response**

If the district knows, or reasonably should know, that sexual harassment has created a hostile environment, it will promptly investigate to determine what occurred and take appropriate steps to resolve the situation. If an investigation reveals that sexual harassment has created a hostile environment, the district will take prompt and effective steps reasonably calculated to end the sexual harassment, eliminate the hostile environment, prevent its recurrence and as appropriate, remedy its effects. The district will take prompt, equitable and remedial action within its authority on reports, complaints and grievances alleging sexual harassment that come to the attention of the district, either formally or informally. The district will take these steps every time a complaint, alleging sexual harassment comes to the attention of the district, either formally or informally.

### **Policy 3205 Sexual Harassment of Students (cont.)**

Allegations of criminal misconduct will be reported to law enforcement and suspected child abuse will be reported to law enforcement or Child Protective Services. Regardless of whether the misconduct is reported to law enforcement, school staff will promptly investigate to determine what occurred and take appropriate steps to resolve the situation, to the extent that such investigation does not interfere with an ongoing criminal investigation. A criminal investigation does not relieve the district of its

independent obligation to investigate and resolve sexual harassment.

Engaging in sexual harassment will result in appropriate discipline or other appropriate sanctions against offending students, staff or other third parties involved in district activities. Anyone else who engages in sexual harassment on school property or at school activities will have their access to school property and activities restricted, as appropriate.

### **Retaliation and False Allegations**

Retaliation against any person who makes or is a witness in a sexual harassment complaint is prohibited and will result in appropriate discipline. The district will take appropriate actions to protect involved persons from retaliation.

Knowingly reporting false allegations of sexual harassment is prohibited. 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.

### **Staff Responsibilities**

The superintendent or designee will develop and implement formal and informal procedures for receiving, investigating and resolving complaints or reports of sexual harassment. The procedures will include reasonable and prompt time lines and delineate staff responsibilities under this policy.

Any school employee who witnesses sexual harassment or receives a report, informal complaint, or written complaint about sexual harassment is responsible for informing the district Title IX/Civil Rights Compliance Officer. All staff are also responsible for directing complainants to the formal complaint process.

Reports of discrimination and discriminatory harassment will be referred to the district's Title IX/Civil Rights Compliance Officer. Reports of disability discrimination or harassment will be referred to the district's Section 504 Coordinator.

District/school staff, including employees, contractors, and agents shall not provide a recommendation of employment for an employee, contractor, or agent that the district/school, or the individual acting on behalf of the district/school, knows or has probable cause to believe, has engaged in sexual misconduct with a student or minor in violation of the law.

## **Notice and Training**

The superintendent or designee will develop procedures to provide age-appropriate information and education to district staff, students, parents and volunteers regarding this policy and the recognition and prevention of sexual harassment. At a minimum sexual harassment recognition and prevention and the elements of this policy will be included in staff, student, and regular volunteer orientation. This policy and [Procedure 3205P](#), which includes the complaint process, will be posted in each district building in a place available to staff, students, parents, volunteers, and visitors. Information about the policy and procedure will be clearly stated and conspicuously posted throughout each school building, provided to each employee and reproduced in each student, staff, volunteer, and parent handbook. Such notices will identify the district's Title IX/Civil Rights Compliance Officer and provide contact information, including the compliance officer's email address.

## **Policy Review**

The superintendent or designee will make an annual report to the board reviewing the use and efficacy of this policy and [Procedure 3205P](#). Recommendations for changes to this policy, if applicable, will be included in the report. The superintendent or designee is encouraged to involve staff, students, volunteers, and parents in the review process.

### **Procedure 3205P Sexual Harassment of Students**

This procedure is intended to set forth the requirements of [Policy 3205](#), including the process for a prompt, thorough, and equitable investigation of allegations of sexual harassment and the need to take appropriate steps to resolve such situations. If sexual harassment is found to have created a hostile environment, staff must take immediate action to eliminate the harassment, prevent its reoccurrence, and address its effects.

This procedure applies to sexual harassment (including sexual violence) targeted at students carried out by other students, employees or third parties involved in district activities. Because students can experience the continuing effects of off-campus harassment in the educational setting, the district will consider the effects of off-campus conduct when evaluating whether there is a hostile environment on campus. The district has jurisdiction over these complaints pursuant to Title IX of the Education Amendments of 1972, [Chapter 28A.640, RCW](#) and [Chapter 392-190 WAC](#).

### **Procedure 3205P Sexual Harassment of Students (cont.)**

## **Notice**

Reasonable efforts shall be made to inform all students and their parents of the district's sexual harassment policy and procedure. Information about the district's sexual harassment policy and procedure will be reproduced in the [\*Student Rights and Responsibilities Policies Handbook\*](#), in each schools' student/parent handbook, staff handbook, and volunteer handbook, posting the policy and procedure in each school building, and discussion of the policy and procedure at each school.

The name and telephone numbers of the building Title IX/Civil Rights Compliance Officer, as well as the district Title IX/Civil Rights Compliance Officer, and executive director of human resources shall be posted in such locations in buildings as to be commonly and easily viewed by students and staff.

## **Staff Responsibilities**

In the event of an alleged sexual assault, the school principal will immediately inform: 1) the Title IX/Civil Rights Compliance Officer so that the district can appropriately respond to the incident consistent with its own grievance procedures; and 2) law enforcement.

The principal will notify the targeted student(s) and their parents/guardians of their right to file a criminal complaint and a sexual harassment complaint simultaneously.

## **Confidentiality**

If a complainant requests their name not be revealed to the alleged aggressor or asks that the district not investigate or seek action against the alleged aggressor, the request will be forwarded to the district Title IX/Civil Rights Compliance Officer for evaluation.

The district Title IX/Civil Rights Compliance Officer should inform the complainant that honoring the request may limit its ability to respond fully to the incident, including pursuing disciplinary action against the alleged aggressor.

If the complainant still requests their name not be disclosed to the alleged aggressor or that the district not investigate or seek action against the alleged aggressor, the district will need to determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students, staff and other third parties

engaging in district activities, including the person who reported the sexual harassment. Although a complainant's request to have their name withheld may limit the district's ability to respond fully to an individual allegation of sexual harassment, the district will use other appropriate means available to address the sexual harassment.

### **Retaliation**

Title IX prohibits retaliation against any individual who files a complaint under these laws or participates in a complaint investigation. When an informal or formal complaint of sexual harassment is made, the district will take steps to stop further harassment and prevent any retaliation against the person who made the complaint, was the subject of the harassment, or against those who provided information as a witness. The district will investigate all allegations of retaliation and take actions against those found to have retaliated.

### **Informal Complaint Process**

Anyone may use informal procedures to report and resolve complaints of sexual harassment. Informal complaints of sexual harassment of students shall be reported to the building principal or designee. The building principal or designee will be responsible for investigation and resolution of informal complaints. The building principal or designee may seek assistance or guidance from the district's Title IX/Civil Rights Compliance Officer. The building principal or designee must notify the complainant of the right to file a formal complaint. The notice shall be provided in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency, in accordance with Title VI of the Civil Rights Act of 1964.

During the course of the informal complaint process, the district will take prompt and effective steps reasonably calculated to end any harassment and to correct any discriminatory effects on the complainant. If an investigation is needed to determine what occurred, the district will take interim measures to protect the complainant before the final outcome of the district's investigation (e.g., allowing the complainant to change academic or extracurricular activities or break times to avoid contact with the alleged aggressor). Informal remedies may include:

- An opportunity for the complainant to explain to the alleged harasser that the



conduct is unwelcome, offensive or inappropriate, either in writing or face-to-face;

### **Procedure 3205P Sexual Harassment of Students (cont.)**

- A statement from a staff member to the alleged harasser that the alleged conduct is not appropriate and could lead to discipline if proven or repeated;
- A general public statement from an administrator in a building reviewing the district sexual harassment policy without identifying the complainant;
- Developing a safety plan;
- Separating students; or
- Providing staff and/or student training.

Informal complaints may become formal complaints at the request of the complainant, parent/guardian, or because the district believes the complaint needs to be more thoroughly investigated.

The district will inform the complainant and their parent/guardian how to report any subsequent problems. Additionally, the district will conduct follow-up inquiries to see if there have been any new incidents or instances of retaliation, and to promptly respond and appropriately address continuing or new problems. Follow-up inquiries will follow a timeline agreed to by the district and complainant.

### **Formal Complaint Process**

A. The district's Title IX/Civil Rights Compliance Officer, executive director of human resources or designee shall be responsible for monitoring and coordinating the district's compliance with [WAC 392-190](#) and related procedures and ensuring that all complaints communicated to the district are promptly investigated and resolved.

The Title IX/Civil Rights Compliance Officer ("Compliance Officer") is:

Mary O'Brien

Everett School District No. 2

3900 Broadway

P.O. Box 2098

Everett, WA 98201

MO'Brien@everettsd.org

Phone: (425) 385-4106

The Executive Director of Human Resources is:

Debra Kovacs

Everett School District No. 2

3900 Broadway

P.O. Box 2098

Everett, WA 98201

dkovacs@everettsd.org

Phone: (425) 385-4100

The compliance officer or designee will receive and investigate formal complaints that involve only students. The executive director of human resources or designee will receive and investigate formal complaints when allegations of sexual harassment are brought against employees or other adults. School or district administrators who receive a formal complaint of sexual harassment will promptly notify the compliance officer or executive director of human resources and forward a copy of the complaint.

B. The allegations of sexual harassment shall:

1. be written;
2. be signed by the complainant;
3. describe the specific acts, conditions, or circumstances alleged to violate

the district's policies or obligations with regard to discrimination; and

4. be filed with the compliance officer or executive director of human resources within one (1) year after the occurrence that is the subject of the complaint, unless the delay is due to specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint or the district withheld information that was required to be provided under [WAC 392-190](#) or related guidelines.

### **Procedure 3205P Sexual Harassment of Students (cont.)**

C. Upon receipt of the complaint, the district's compliance officer, the executive director of human resources, or designee will provide the complainant a copy of [Procedure 3210P](#) in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency, in accordance with Title VI. The district will promptly and thoroughly investigate the complaint. Following completion of the investigation, the compliance officer or the executive director of human resources shall provide the superintendent or designee with a full written report of the complaint and the results of the investigation, unless the matter is resolved to the satisfaction of the complainant without an investigation or prior to the submission of a written report.

D. The superintendent or designee shall respond in writing to the complainant within thirty (30) calendar days after the district received the written complaint by the district, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. If an extension is needed, the district will notify the complainant in writing of the reasons for the extension and the anticipated response date in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency, in accordance with Title VI. At the time the district responds to the complainant, the district will send a copy of the response to the Office of the Superintendent of Public Instruction.

E. The response by the superintendent or designee will include:

1. A summary of the results of the investigation;
2. Whether the district failed to comply with [WAC 392-190](#) or related guidelines;

3. If the district failed to comply with [WAC 392-190](#) or related guidelines, the corrective measures deemed necessary to correct the noncompliance; and
4. Notice of the complainant's right to appeal under [WAC 392-190-005](#), including where and with whom the appeal should be filed.

The district's response to the complaint will be provided in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency in accordance with Title VI.

F. Corrective measures necessary to correct any noncompliance shall be instituted as expeditiously as possible, but no later than thirty (30) calendar days after the district's written response to the complainant, unless otherwise agreed to by the complainant.

G. A complainant may appeal the superintendent or designee's decision to a hearing officer designated by the district to hear the appeal by filing a written notice of appeal with the superintendent on or before the tenth (10th) calendar day from the date the complainant received the superintendent or designee's response. The hearing officer shall not have been involved in the initial complaint or investigation.

H. Upon receipt of an appeal, the hearing officer shall provide a written appeal decision to the complainant in a timely manner, not to exceed thirty (30) calendar days from the date the district received the appeal, unless otherwise agreed to by the complainant. The appeal decision will include notice of the complainant's right to file a complaint with the superintendent of public instruction under [WAC 392-190-075](#). The decision of the hearing officer will be provided in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency in accordance with Title VI. The decision of the hearing officer will include notice of the complainant's right to file a complaint with the Office of the Superintendent of Public Instruction. The district will send a copy of the appeal decision to the Office of the Superintendent of Public Instruction.

I. In the event a complainant disagrees with the appeal decision of the hearing officer or if the district fails to comply with the procedures in [WAC 392-190-065](#) or [392-190-070](#), the complainant may file a complaint with the Office of the Superintendent of Public Instruction under [WAC 392-190-075](#). A complaint must be received by the Office Superintendent of Public Instruction within twenty (20) calendar days after the complainant received the hearing officer's written appeal decision.

### **Mediation of Complaints**

A. The district may offer mediation, at its expense, to resolve a complaint at any

time during the complaint procedure. Mediation:

1. Must be voluntary;
2. Requires the agreement of the district and the complainant;
3. May be terminated by either party during the mediation process;
4. Cannot be used to deny or delay a complainant's right to utilize the complaint procedure; and

### **Procedure 3205P Sexual Harassment of Students (cont.)**

5. Be conducted by a qualified and impartial mediator, who is not an employee of the district or providing services to a student who is the subject of the mediation.

B. If the parties resolve the complaint through mediation, the parties may execute a legally binding agreement that:

1. Sets forth the resolution;
2. States that all discussions that occurred during the mediation process will remain confidential and not be used as evidence in any future complaint, due process hearing, or civil proceeding; and
3. Is signed by both the complainant and a district representative.

C. The complainant and district may agree to extend the complaint timelines to pursue mediation.

### **Disciplinary Action**

The district will take such disciplinary action as it deems necessary and appropriate to end harassment and to prevent its reoccurrence. Such disciplinary action will be consistent with state and federal law. When deemed appropriate by the district, the district shall provide support and/or assistance for individuals who have been subjected to harassment in the district's educational environment.

### **Training and Orientation**

A fixed component of all district orientation sessions for staff, students and regular volunteers will introduce the elements of the sexual harassment policy. Staff will be provided information on recognizing and preventing sexual harassment. Staff will be fully informed of the formal and informal complaint processes and their roles and responsibilities under the policy and procedure.

Certificated staff will be reminded of their legal responsibility to report suspected child

abuse, and how that responsibility may be implicated by some allegations of sexual harassment. Regular volunteers will get the portions of this component of orientation relevant to their rights and responsibilities.

Students will be provided with age-appropriate information on the recognition and prevention of sexual harassment and their rights and responsibilities under this and other district policies and rules at student orientation sessions and on other appropriate occasions, which may include parents.

As part of the information on the recognition and prevention of sexual harassment staff, volunteers, students and parents will be informed that sexual harassment may include, but is not limited to:

- Demands for sexual favors in exchange for preferential treatment or something of value;
- Stating or implying that a person will lose something if the person does not submit to a sexual request;
- Penalizing a person for refusing to submit to a sexual advance, or providing a benefit to someone who does;
- Making unwelcome, offensive or inappropriate sexually suggestive remarks comments, gestures, or jokes; or remarks of a sexual nature about a person's appearance, gender or conduct;
- Using derogatory sexual terms for a person;
- Standing too close, inappropriately touching, cornering or stalking a person; or
- Displaying offensive or inappropriate sexual illustrations on school property.

### **Reports to the Board**

Annually, in conjunction with the report to the board of directors on the district's Affirmative Action Plan, the Title IX/Civil Rights Compliance Officer will review the use and efficacy of the sexual harassment policy and procedures.

### **Policy and Procedure Review**

Annually, the superintendent or designee will convene an ad hoc committee composed of representatives of certificated and classified staff, volunteers, students and parents to review the use and efficacy of this policy and procedure. The compliance officer will be included in the committee. Based on the review of the committee, the superintendent or designee will prepare a report to the board including, if necessary, any recommended policy changes. The superintendent will consider adopting changes to this procedure if

recommended by the committee.

### **Policy 3210 Nondiscrimination**

The district shall provide equal educational opportunity and treatment for all students in all aspects of the academic and activities program without regard to race, color, national origin, creed, religion, sex, sexual orientation, gender expression, gender identity, veteran or military status, the presence of any physical, sensory or mental disability or the use of a trained dog guide or service animal by a student with a disability.

District students shall be free from harassment based on legally protected attributes or characteristics.

Conduct against any student that is based on one of the categories listed above that is sufficiently severe, persistent or pervasive as to limit or deny the student's ability to participate in or benefit from the district's course offerings, educational programming or any activity will not be tolerated. When a district employee knows, or reasonably should know, that such discriminatory harassment is occurring or has occurred, the district will take prompt and effective steps reasonably calculated to end the harassment, prevent its recurrence and remedy its effects.

The district's nondiscrimination statement will be included in all written announcements, notices, recruitment materials, employment applications, and other publications made available to all students, parents, or employees. The statement will include:

1. Notice that the district will not discriminate in any programs or activities on the basis of any of the above-listed categories;
2. The name and contact information of the district's compliance officer designated to ensure compliance with this policy; and
3. The names and contact information of the district's Section 504 and Title IX/Civil Rights Compliance Officer.

The district will annually publish notice reasonably calculated to inform students, students' parents/guardians (in a language that they can understand, which may require

language assistance), and employees of the district's discrimination complaint procedure.

The superintendent will designate a staff member to serve as the affirmative action coordinator and Title IX/Civil Rights Compliance Officer for this policy. The compliance officer will be responsible for investigating any discrimination complaints communicated to the district.

The district will offer or provide training to administrators and certificated and classroom personnel on their responsibility to raise awareness of and to eliminate bias based on the categories identified in this policy.

The superintendent or designee shall provide for the annual evaluation, periodic surveys, annual notice and complaint procedures as required by law to ensure that there is in fact equal opportunity and treatment for all students in the district.

### **Procedure 3210P Nondiscrimination**

#### **Procedures for Resolving Equal Educational Opportunity Complaints/Grievances**

To ensure fairness and consistency, the following review procedure is to be used with regard to issues covered by state and federal equal educational opportunity laws, including Title VII of the Civil Rights Act of 1964, as amended, Title IX of the Civil Rights Act of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, [RCW 28A.640.010](#) governing sexual equality in public schools, and [RCW 28A.642](#) prohibiting discrimination. This grievance procedure applies to complaints alleging discrimination or discriminatory harassment by employees, other students, or third parties against students based on race, color, national origin, creed, religion, sex, sexual orientation, gender expression, gender identity, veteran or military status, the presence of any sensory, mental or physical disability or the use of a trained dog guide or service animal by a student with a disability.

Anyone may file a complaint against the district alleging that the district has violated anti-discrimination laws. This complaint procedure is designed to assure that the resolution of real or alleged violations are directed toward a just solution that is satisfactory to the complainant, the administration and the board of directors. As used in this procedure:

- Grievance means a complaint which has been filed by a complainant relating to the alleged violations of any state or federal anti-discrimination laws.



- Complaint means a written, signed charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws. Complaints may be submitted by mail, fax, email or hand-delivery to any district or school administrator, or to any employee designated under [WAC 392-190-060](#), or to the district Title IX/Civil Rights Compliance Officer responsible for investigating discrimination complaints. Any district employee who receives a complaint that meets these criteria will promptly notify the compliance officer.

### **Procedure 3210P Nondiscrimination (cont.)**

The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint. To this end, specific steps will be taken. The district is prohibited by law from intimidating, threatening, coercing or discriminating against any individual for the purpose of interfering with their right to file a grievance under this policy and procedure and from retaliating against an individual for filing such a grievance.

#### **Informal Complaints**

At the student and parent/guardian's option, attempts will be made to resolve complaints of discrimination or discriminatory harassment informally, expeditiously and at the closest point of administrative responsibility to the alleged offense. Informal complaints of discrimination or discriminatory harassment of students shall be reported to the building principal/designee. The building principal/designee will be responsible for investigation and resolution of informal complaints. The building principal/designee may seek assistance or guidance from the district's Title IX/Civil Rights Compliance Officer. The building principal/designee must notify the complainant of his/her right to file a formal complaint under this policy. The notice shall be provided in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency, in accordance with Title VI of the Civil Rights Act of 1964.

#### **Formal Complaints**

## **Level One – Complaint to the District**

A. The district's Title IX/Civil Rights Compliance Officer, executive director of human resources or designee shall be responsible for monitoring and coordinating the district's compliance with [WAC 392-190](#) and related procedures and ensuring that all complaints communicated to the district are promptly investigated and resolved.

The Title IX/Civil Rights Compliance Officer is:

Mary O'Brien

Everett School District No. 2

3900 Broadway

P.O. Box 2098

Everett, WA 98201

MO'Brien@everettsd.org

Phone: 425-385-4106

The Executive Director of Human Resources is:

Debra Kovacs

Everett School District No. 2

3900 Broadway

P.O. Box 2098

Everett, WA 98201

dkovacs@everettsd.org

Phone: 425-385-4100

The Title IX/Civil Rights Compliance Officer or designee will receive and investigate

formal complaints that involve only students. The executive director of human resources or designee will receive and investigate formal complaints when allegations of discrimination are brought against employees or other adults. School or district administrators who receive a formal complaint of discrimination or discriminatory harassment will promptly notify the Title IX/Civil Rights Compliance Officer or executive director of human resources and forward a copy of the complaint.

B. The allegations of discrimination or discriminatory harassment shall:

1. be written;
2. be signed by the complainant;
3. describe the specific acts, conditions, or circumstances alleged to violate the district's policies or obligations with regard to discrimination; and
4. be filed with the Title IX/Civil Rights Compliance Officer or executive director of human resources within one (1) year from the date of the occurrence that is the subject of the complaint, unless the delay is due to specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint or the district withheld information that was required to be provided under [WAC 392-190](#) or related guidelines.

#### **Procedure 3210P Nondiscrimination (cont.)**

C. Upon receipt of the complaint, the district's Title IX/Civil Rights Compliance Officer, the executive director of human resources, or designee will provide the complainant a copy of [Procedure 3210P](#) in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency, in accordance with Title VI. The district will promptly and thoroughly investigate the complaint. Following completion of the investigation, the Title IX/Civil Rights Compliance Officer or the executive director of human resources shall provide the superintendent/designee with a full written report of the complaint and the results of the investigation, unless the matter is resolved to the satisfaction of the complainant without an investigation or prior to the submission of a written report.

D. The superintendent/designee shall respond in writing to the complainant within thirty (30) calendar days after the district received the written complaint, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. If an extension is needed, the district will notify the complainant in writing of the reasons for the extension and the

anticipated response date in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency, in accordance with Title VI. At the time the district responds to the complainant, the district will send a copy of the response to the office of the superintendent of public instruction.

E. The response by the superintendent/designee will include:

1. A summary of the results of the investigation;
2. Whether the district failed to comply with [WAC 392-190](#) or related guidelines;
3. If the district failed to comply with [WAC 392-190](#) or related guidelines, the corrective measures deemed necessary to correct the noncompliance; and
4. Notice of the complainant's right to appeal under [WAC 392-190-005](#), including where and with whom the appeal should be filed.

The district's response to the complaint will be provided in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency in accordance with Title VI.

F. Corrective measures necessary to correct any noncompliance shall be instituted as expeditiously as possible, but no later than thirty (30) calendar days after the district's written response to the complainant, unless otherwise agreed to by the complainant.

## **Level Two – Appeal**

A. A complainant may appeal the superintendent's/designee's decision to a hearing officer designated by the superintendent to hear the appeal by filing a written notice of appeal with the superintendent on or before the tenth (10th) calendar day from the date the complainant received the superintendent/designee's response. The hearing officer shall not have been involved in the initial complaint or investigation.

B. Upon receipt of an appeal, the hearing officer shall provide a written appeal decision to the complainant in a timely manner, not to exceed thirty (30) calendar days from the date the district received the appeal, unless otherwise agreed to by the complainant. The appeal decision will include notice of the complainant's right to file a complaint with the superintendent of public instruction under [WAC 392-190-075](#). The decision of the hearing officer will be provided in a language the complainant can understand, which may require language assistance for complainants with

limited-English proficiency in accordance with Title VI.

The decision of the hearing officer will include notice of the complainant's right to file a complaint with the office of the superintendent of public instruction. The district will send a copy of the appeal decision to the office of the superintendent of public instruction.

### **Level Three – Complaint to the Superintendent of Public Instruction**

A. In the event a complainant disagrees with the appeal decision of the hearing officer or if the district fails to comply with the procedures in [WAC 392-190-065](#) or [WAC 392-190-070](#), the complainant may file a complaint with the office of the superintendent of public instruction under [WAC 392-190-075](#). A complaint must be received by the office of the superintendent of public instruction within twenty (20) calendar days after the complainant received the hearing officer's written appeal decision, unless the superintendent of public instruction grants an extension for good cause. Complaints may be submitted by mail, fax, email or hand delivery.

#### **Procedure 3210P Nondiscrimination (cont.)**

1. A complaint must be in writing and include:
  - A description of the specific acts, conditions or circumstances alleged to violate applicable anti-discrimination laws;
  - The complainant's name and contact information, including address;
  - The name and address of the district subject to the complaint;
  - A copy of the district's complaint and appeal decision, if any; and
  - A proposed resolution of the complaint or relief requested.

If the allegations involve a specific student, the complaint must also include the name and address of the student, or in the case of a homeless child or youth, contact information.

2. Upon receipt of a complaint, the office of the superintendent of public instruction may initiate an investigation, which may include conducting an independent on-site review. OSPI may also investigate additional issues related to the complaint that were not included in the initial complaint or appeal to the superintendent or board. Following the investigation, OSPI will make an independent determination as to whether the district has failed to comply with [RCW 28A.642.010](#) or [WAC 392-190](#), and will issue a written decision to the complainant and the district that addresses each allegation in the complaint and any other noncompliance issues it has identified. The written decision will include corrective actions deemed necessary to correct noncompliance and documentation the district must provide to demonstrate that corrective action has been completed.

All corrective actions must be completed within the timelines established by OSPI in the written decision unless OSPI grants an extension. If timely compliance is not achieved, OSPI may take action including but not limited to referring the district to appropriate state or federal agencies empowered to order compliance.

A complaint may be resolved at any time when, before the completion of the investigation, the district voluntarily agrees to resolve the complaint. OSPI may provide technical assistance and dispute resolution methods to resolve a complaint.

#### **Level Four – Administrative Hearing**

A complainant or school district that desires to appeal the written decision of the Office of the Superintendent of Public Instruction may file a written notice of appeal with OSPI within thirty (30) calendar days following the date of receipt of that office's written decision. OSPI will conduct a formal administrative hearing in conformance with the Administrative Procedures Act, RCW 34.05.

NOTE: The complaint procedure outlined above does not prohibit the processing of a complaint in an informal manner and without investigation if the complainant so desires.

#### **Mediation of Complaints**

A. The district may offer mediation, at its own expense, to resolve a complaint at any time during the complaint procedure. Mediation must be voluntary and requires

the mutual agreement of the district and the complainant. It may be terminated by either party at any time during the mediation process. It cannot be used to deny or delay a complainant's right to utilize the complaint procedure.

The purpose of mediation is to provide both the complainant and the district an opportunity to resolve disputes and reach a mutually acceptable agreement through the use of an impartial mediator.

Mediation must be conducted by a qualified and impartial mediator who may not:

1. Be an employee of any school district, public charter school, or other public or private agency that is providing education related services to a student who is the subject of the complaint being mediated; or
2. Have a personal or professional conflict of interest. A mediator is not considered an employee of the district or charter school or other public or private agency solely because he or she serves as a mediator.

B. If the parties resolve the complaint through mediation, the parties may execute a legally binding agreement that sets forth the resolution and states that all discussions that occurred during the mediation process will remain confidential and not be used as evidence in any future complaint, due process hearing, or civil proceeding. The agreement must be signed by both the complainant and a district representative who has authority to bind the district.

#### **Procedure 3210P Nondiscrimination (cont.)**

C. The complainant and district may agree to extend the complaint timelines to pursue mediation.

### **Preservation of Records**

The files containing copies of all correspondence relative to each complaint communicated to the district and the disposition, including any corrective measures instituted by the district, shall be retained in the office of the Title IX/Civil Rights Compliance Officer for a period of six (6) years after resolution or closure of the complaint.

### **Policy 3213 Gender-Inclusive Schools**

In order to foster an educational environment that is safe and free of discrimination for all students, regardless of gender expression, gender identity, or sex, the board recognizes the importance of an inclusive approach toward transgender and gender-expansive students with regard to key terms, communication and the use of names and pronouns, student records, confidential health and education information, communication, restroom and locker room use and accessibility, sports and physical education, dress codes, and other school activities, in order to provide these students with an equal opportunity for learning and achievement.

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. The superintendent will appoint a primary 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 Title IX/Civil Rights Compliance Officer will participate in at least one mandatory training opportunity offered by OSPI.

This policy and its [procedure](#) will support that effort by facilitating district compliance with local, state and federal laws concerning harassment, intimidation, bullying, and discrimination.

### **Procedure 3213P Gender-Inclusive Schools**

The principal or designee, or an appropriate, designated school employee, is encouraged to request a meeting with a transgender or gender-expansive student upon the student's enrollment in the district or in response to a currently enrolled student's change of gender expression or identity. Before contacting a student's parents/guardians, the school will consult with the student about the student's preferences regarding family



involvement and honor those preferences.

The goals of the meeting are to:

- Develop understanding of that student's individual needs with respect to their gender expression or identity, including any accommodations that the student is requesting or that the district will provide according to Policy 3213 and this procedure and under state and federal law; and
- Develop a shared understanding of the student's day-to-day routine within the school so as to foster a relationship and help alleviate any apprehensions the student may have with regard to their attendance at school.

The principal or designee may not require the student to attend a meeting as a condition of providing them with the protection to which they are entitled under [Policy 3213](#) and this procedure, and state and federal law regarding gender expression or identity.

### **Key Definitions/Terms**

- **Assigned sex at birth:** The sex a person was given at birth, usually based on anatomy or chromosomes (e.g., male, female, intersex, etc.).
- **Cisgender:** A term used to describe people whose assigned sex matches their gender identity and/or gender expression (e.g., someone who was assigned female at birth and whose gender identity and/or gender expression is also female.)
- **Gender Expansive:** A wider, more flexible range of gender identities or expressions than those typically associated with the binary gender system.
- **Gender Expression:** The external ways in which a person expresses their gender to the world, such as through their behavior, emotions, mannerisms, dress, grooming habits, interests, and activities.
- **Gender Identity:** A person's internal and deeply-felt sense of being female, male, both, non-binary, gender-expansive, or other—regardless of the gender assigned at birth.

### **Procedure 3213P Gender-Inclusive Schools (cont.)**

- **Transgender:** A term often used to describe a person whose gender identity or expression, or both, are different from those traditionally associated with their sex assigned at birth.
- **Transitioning:** The process in which a person goes from living and identifying as one gender to living and identifying as another.

### **Communication and Use of Names and Pronouns**

An appropriate school employee will privately ask known transgender or gender-expansive students how they would like to be addressed in class, in correspondence to the home, and at conferences with the student's parent/guardian. That information will be included in the electronic student record system along with the student's legal name in order to inform teachers and staff of the name and pronoun by which to address the student. However, the student's legal name should be accessible by only necessary staff members—it should not be visible to teachers or other staff who have access to the electronic records system.

When appropriate or necessary, this information will be communicated directly with staff to facilitate the use of proper names and pronouns. A student is not required to change their official records or obtain a court-ordered name and/or gender change as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity.

When communicating with transgender or gender expansive students regarding particular issues such as conduct, discipline, grades, attendance or health, school employees will focus on the conduct or particular issues rather than making assumptions regarding the student's actual or perceived gender identity or gender expression. Before communicating with parents of transgender or gender expansive students, it's important to ask the student how school employees should refer to the student when talking with their parents and guardians. For families who are supportive, using the student's name and pronoun could be affirming for the student. For parents who are not supportive, or who are not aware of the student's transition at school, referring to their name and pronoun could be very dangerous. The district will not condone the intentional or persistent refusal to respect a student's gender identity or gender expression, or inappropriate release of information regarding a student's transgender or gender-expansive status.

### **Official Records**

The standardized high school transcript is the only official record that requires a student's legal name. School staff should adopt practices to avoid the inadvertent disclosure of the student's transgender or gender-expansive status.

The district will change a student's official records to reflect a change in legal name or gender upon receipt of:

1. Documentation that the student's legal name or gender has been changed pursuant to a court order or through amendment of state or federally-issued identification; or
2. A written, signed statement explaining that the student has exercised a common-law name change and has changed their name for all intents and purposes and that the change has not been made for fraudulent reasons.

Schools may change a student's official gender designation upon parent/guardian or student request pursuant to the Office of the Superintendent of Public Instruction's (OSPI's) process found at <https://www.k12.wa.us/sites/default/files/public/cedars/pubdocs/2018-19cedarsreportingguidance.pdf>. The process should not be overly cumbersome, and the district may not require verification from a physician.

When a former student asks for their official student transcript to be changed to reflect a different name or gender:

- Document the transaction (request for the change, proof of identity, certificate, court papers, etc.);
- Issue a new record; and
- Retain (1) the original record; (2) the newly issued record; and (3) the documentation of the transaction.

The school must use the name and gender by which the student identifies on all other records, including but not limited to school identification cards, classroom seating charts, athletic rosters, yearbook entries, diplomas, and directory information.

### **Procedure 3213P Gender-Inclusive Schools (cont.)**

#### **Confidential Health or Educational Information**

Information about a student's gender identity, legal name, or assigned sex at birth may constitute confidential medical or educational information. Disclosing this information to other students, their parents, or other third parties may violate privacy laws, such as the federal Family Education Rights and Privacy Act (FERPA) ([20 U.S.C. §1232; 34 C.F.R. Part 99](#)). Therefore, to ensure the safety and well-being of the student, school employees should not disclose a student's transgender or gender expansive status to others, including the student's parents and/or other school personnel, unless the school is (1) legally required to do so, or (2) the student has authorized such disclosure.

### **Restroom Accessibility**

Students will be allowed to use the restroom that corresponds to the gender identity consistently asserted at school. No student will be required to use a restroom that conflicts with their gender identity. Any student—regardless of gender identity—who requests greater privacy should be given access to an alternative restroom. However, schools may not require a student to use an alternative restroom because of their transgender or gender-expansive status.

### **Locker Room Accessibility**

Use of locker rooms by transgender or gender expansive students will be assessed on a case-by-case basis, with the goal of maximizing transgender or gender expansive student social integration, providing an equal opportunity to participate in physical education classes and athletic opportunities, ensuring the student's safety and comfort, and minimizing stigmatization of the student. The district will take an approach that conforms with OSPI's guidelines. In most cases, the district should provide the student access to the locker room that corresponds to the gender identity consistently asserted at school. Any student who has a need or desire for additional privacy, regardless of the underlying reason, should be provided with a reasonable alternative changing area, such as:

- Use of a private area (e.g., nearby restroom stall with a door, an area separated by a curtain, an office in the locker room, or a nearby health room office restroom); or
- A separate changing schedule (i.e., utilizing the locker room before or after the other students).

No student will be required to use a locker room that conflicts with their gender identity.

### **Sports and Physical Education Classes**

The district will provide all students, including transgender and gender-expansive students, the opportunity to participate in physical education and athletic programs/opportunities in a manner that is consistent with their gender identity.

A student may seek review of their eligibility for participation in interscholastic athletics by working through the Gender Identity Participation procedure set forth in the Washington Interscholastic Activities Association ([WIAA](#)) handbook.

### **Dress Codes**

The district will allow students to dress in a manner that is consistent with their gender identity and/or gender expression within the constraints of the dress codes adopted at their school site and within the constraints of the district guidelines for dress as they relate to health and safety issues (e.g., prohibitions on wearing gang-related apparel). School dress codes will be gender-neutral and will not restrict a student's clothing choices on the basis of gender. The district will take an approach that conforms with OSPI 's guidelines.

### **Other School Activities**

In any school activity or other circumstance involving separation by gender (i.e., class discussions, field trips, and overnight field trips), students will be permitted to participate in accordance with the gender identity they consistently assert at school. Teachers and other school employees will make every effort to separate students based on factors other than gender where practicable.

### **Training and Professional Development**

The district will designate one (1) person to be the primary contact regarding [Policy 3213](#) and this procedure relating to transgender or gender expansive students. The primary contact must participate in at least one (1) mandatory training opportunity offered by OSPI. When practical, the district will conduct staff training and ongoing professional development as needed in an effort to build the skills of all staff members to prevent, identify and respond to harassment and discrimination. The content of such professional development should include, but not be limited to:

#### **Procedure 3213P Gender-Inclusive Schools (cont.)**

- Terms and concepts related to gender identity, gender expression, and gender diversity in children and adolescents;
- Appropriate strategies for communicating with students and parents about issues related to gender identity and gender expression, while protecting student privacy;
- Strategies for preventing and intervening in incidents of harassment and discrimination, including bullying and cyber-bullying; and
- District and staff responsibilities under applicable laws and district policies

regarding harassment, discrimination, gender identity, and gender expression issues.

### **Discrimination and Harassment Complaints**

Discrimination and harassment on the basis of sex, gender identity, or gender expression are prohibited within the district. It is the responsibility of each school, the district, and all staff to ensure that all students, including transgender and gender expansive students, have a safe school environment. The scope of this responsibility includes ensuring that any incident of discrimination or harassment is given immediate attention and/or reported to the person designated as the primary contact relating to transgender or gender expansive students. The primary contact will communicate with the district's Title IX/Civil Rights Compliance Officer.

Complaints alleging discrimination or harassment based on a person's actual or perceived gender identity or expression are to be taken seriously and handled in the same manner as other discrimination and harassment complaints. This includes investigating the incident and taking age and developmentally-appropriate corrective action. Anyone may file a complaint alleging a violation of [Policy 3213](#). Complaints of discrimination based on gender identity or expression will follow the complaint process outlined in the district's Nondiscrimination [Procedure 3210P](#).

The district will share [Policy 3213](#) and this procedure with students, parents/guardians, employees, and volunteers.

#### **Policy 4312 Complaints to Board Members Concerning Staff**

The board welcomes constructive feedback about district programs but the board has a legal and ethical responsibility to protect its staff from unwarranted criticism and/or disruption of school programs. Complaints received by the board or board members will be referred to the superintendent for investigation.

The board will disallow complaints about individual staff members at public board

meetings.

The superintendent will develop procedures to handle complaints about district staff, programs, or instructional materials.

### **Procedure 4312P Complaints to Board Members Concerning Staff**

Most complaints can be resolved by informal discussions between the citizen and the staff member. Should the matter not be resolved, the building leader should be contacted in an effort to resolve the issue through conferences with the staff member involved and the citizen.

The following procedures apply to the processing of a complaint which cannot be resolved in the manner described above:

1. If the problem is not satisfactorily resolved at the building level, a written complaint should be filed by the citizen to the associate superintendent, deputy superintendent, department manager, or the superintendent. The complaint should describe the problem and what solution seems appropriate. Copies should be sent to the building leader and staff member involved.
2. The building leader and staff member shall respond to the complaint, in writing or in person, to the superintendent, associate superintendent, deputy superintendent, or department manager.
3. The superintendent or designee shall then attempt to resolve the matter through conference with the citizen, staff member and building leader.
4. If the matter is still not resolved, the superintendent shall present the issue to the board in an executive session in accordance with district personnel policies and procedures.
5. This procedure shall govern complaints not covered more specifically by some other district policy or procedure or an applicable collective bargaining agreement. See, for example, Selection and Adoption of Instructional Materials, [Policy 2311](#); Sexual Harassment of Students, [Policy 3205](#); Nondiscrimination, [Policy 3210](#); Sexual Harassment, [Policy 5160](#); and Affirmative Action and Nondiscrimination [5010P](#).

### **Policy 5010 Affirmative Action and Nondiscrimination**

The district shall provide equal employment opportunity for all applicants and

employees and will not tolerate unlawful discriminatory practices in recruitment, hiring, retention, assignment, transfer, promotion and training; such equal employment opportunity will be provided without discrimination on the basis of race, color, national origin, creed, religion, sex, sexual orientation including gender expression or identity, marital status, age, honorably discharged veteran or military status, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability.

District employees shall be free from harassment based on legally protected attributes or characteristics. The district shall implement programs and practices that value diversity, ensure equity, and build understanding, awareness, and appreciation of the diverse array of human characteristics, needs and perspectives that influence the district environment.

The district shall also make reasonable accommodation to the known sensory, mental or physical limitations of an otherwise qualified disabled applicant or employee unless an accommodation would impose an undue hardship on the operation of the district program.

The district is committed to undertake affirmative action which will provide equal employment opportunities for all employees and applicants for employment. Such affirmative action shall include a review of programs, monitoring of the workforce composition, and use of employment procedures which ensure equal employment opportunities for minority and female employees and applicants.

It shall be the responsibility of the superintendent or designee to develop an Affirmative Action Plan and procedures to be followed by management and supervisory personnel in all schools and departments of the district to carry out the provisions and intent of this policy.

## **Procedure 5010P Affirmative Action and Nondiscrimination**

### **Affirmative Action**

The board of directors of the Everett School District recognizes that an Affirmative Action Employment Plan is a sound employment practice, as well as a positive approach toward achieving lasting and equitable human resources policies and procedures.



In accordance with state and federal requirements, the district shall develop an Affirmative Action Plan. Such a plan shall include a work force analysis, a projection of possible work force vacancies, an analysis of activities designed to take appropriate affirmative action and a grievance procedure.

The superintendent or designee shall be responsible for the development, implementation and annual reporting of the Affirmative Action Plan. The overall responsibility for monitoring and auditing this plan shall be assigned to the human resources department.

### **Nondiscrimination**

The district shall provide equal employment opportunity for all applicants and employees in recruitment, hiring, retention, assignment, transfer, promotion and training. The district shall also make reasonable accommodation to the known sensory, mental or physical limitations of an otherwise qualified disabled applicant or employee unless an accommodation would impose an undue hardship on the operation of the district program. District employees shall be free from harassment based on legally protected attributes or characteristics.

In cases where employees or applicants believe that they have been discriminated against on the basis of their legally protected status, that their disabilities have not been reasonably accommodated, or that they have been harassed on the basis of their legally protected status, the employee or applicant may file a complaint using the complaint process set forth in this procedure. To ensure fairness and consistency, these procedures are to be used to address complaints covered by state and federal equal employment laws, including the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA), Titles VII and IX of the Civil Rights Act, the Washington Law Against Discrimination, and/or the district's Affirmative Action Plan. No person shall be retaliated against because of the utilization of these procedures. The executive director of human resources or designee shall investigate all allegations of noncompliance or discrimination.

## **Procedure 5010P Affirmative Action and Nondiscrimination (cont.)**

### **Informal Complaints**

With regard to ADA matters, a distinction is to be made between a request for accommodation and a complaint. A request for accommodation should be submitted to the executive director of human resources. The parties should cooperate to resolve any issues of accommodation through an interactive process prior to the filing of a formal complaint. A complaint is to be filed only in the event there is a complaint of noncompliance after a request for accommodation has been made.

At the employee's option, attempts will be made to resolve complaints of discrimination informally, expeditiously and at the closest point of administrative responsibility to the alleged offense. Informal complaints of discrimination of an employee may be reported to his/her supervisor, the Affirmative Action Officer, or the executive director of human resources. The supervisor will be responsible for investigation and resolution of informal complaints. The supervisor may seek assistance or guidance from the district's Affirmative Action Officer or executive director of human resources. The supervisor must notify the complainant of his/her right to file a formal complaint under this policy and procedure. The notice shall be provided in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency, in accordance with Title VI of the Civil Rights Act of 1964.

### **Formal Complaints**

A. The district's executive director of human resources or designee shall be responsible for monitoring and coordinating the district's compliance with [WAC 392-190](#) and related procedures and ensuring that all complaints communicated to the district are promptly investigated and resolved.

The Executive Director of Human Resources is:

Debra Kovacs

Everett School District No. 2

3900 Broadway

P.O. Box 2098

Everett, WA 98201

dkovacs@everettsd.org

Phone: (425) 385-4100

The executive director of human resources or designee will receive and investigate formal complaints. School or district administrators who receive a formal complaint of discrimination will promptly notify the executive director of human resources and forward a copy of the complaint.

B. The allegations of discrimination shall:

1. Be written;
2. Be signed by the complainant;
3. Describe the specific acts, conditions, or circumstances alleged to violate the district's policies or obligations with regard to sexual harassment; and
4. Be filed with the executive director of human resources within one (1) year after the occurrence that is the subject of the complaint, unless the delay is due to specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint or the district withheld information that was required to be provided under [WAC 392-190](#) or related guidelines.

C. Upon receipt of the complaint, the district's executive director of human resources or designee will provide the complainant a copy of Procedure 5010P in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency, in accordance with Title VI. The district will promptly and thoroughly investigate the complaint. Following completion of the investigation, the executive director of human resources shall

provide the superintendent or designee with a full written report of the complaint and the results of the investigation, unless the matter is resolved to the satisfaction of the complainant without an investigation or prior to the submission of a written report.

#### **Procedure 5010P Affirmative Action and Nondiscrimination (cont.)**

D. The superintendent or designee shall respond in writing to the complainant within thirty (30) calendar days after the district received the written complaint by the district, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. If an extension is needed, the district will notify the complainant in writing of the reasons for the extension and the anticipated response date in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency, in accordance with Title VI. At the time, the district responds to the complainant, the district will send a copy of the response to the Office of the Superintendent of Public Instruction.

E. The response by the superintendent or designee will include:

1. A summary of the results of the investigation;
2. Whether the district failed to comply with [WAC 392-190](#) or related guidelines;
3. If the district failed to comply with [WAC 392-190](#) or related guidelines, the corrective measures deemed necessary to correct the noncompliance; and
4. Notice of the complainant's right to appeal under [WAC 392-190-070](#), including where and with whom the appeal should be filed.

The district's response to the complaint will be provided in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency in accordance with Title VI.

F. Corrective measures necessary to correct any noncompliance shall be instituted as expeditiously as possible, but no later than thirty (30) calendar days after the district's written response to the complainant, unless otherwise agreed to by the complainant.

G. A complainant may appeal the superintendent or designee's decision to a hearing officer designated by the district to hear the appeal by filing a written notice of appeal with the superintendent on or before the tenth (10th) calendar day from the date the complainant received the superintendent or designee's response. The hearing officer shall not have been involved in the initial complaint or investigation.

H. Upon receipt of an appeal, the hearing officer shall provide a written appeal decision to the complainant in a timely manner, not to exceed thirty (30) calendar days from the date the district received the appeal, unless otherwise agreed to by the complainant. The appeal decision will include notice of the complainant's right to file a complaint with the superintendent of public instruction under [WAC 392-190-075](#). The appeal decision will be provided in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency in accordance with Title VI. The decision of the hearing officer will include notice of the complainant's right to file a complaint with the Office of the Superintendent of Public Instruction. The district will send a copy of the appeal decision to the Office of the Superintendent of Public Instruction.

I. In the event a complainant disagrees with the appeal decision of the hearing officer or if the district fails to comply with the procedures in [WAC 392-190-065](#) or [WAC 392-190-070](#), the complainant may file a complaint with the Office of the Superintendent of Public Instruction under [WAC 392-190-075](#). A complaint must be received by the Office Superintendent of Public Instruction within twenty (20) calendar days after the complainant received the hearing officer's written appeal decision.

## **Mediation of Complaints**

A. The district may offer mediation, at its expense, to resolve a complaint at any time during the complaint procedure. Mediation:

6. Must be voluntary;
7. Requires the agreement of the district and the complainant;
8. May be terminated by either party during the mediation process;
9. Cannot be used to deny or delay a complainant's right to utilize the complaint procedure; and
10. Be conducted by a qualified and impartial mediator, who is not an employee of the district and who has no personal or professional conflict of interest.

#### **Procedure 5010P Affirmative Action and Nondiscrimination (cont.)**

B. If the parties resolve the complaint through mediation, the parties may execute a legally binding agreement that:

4. Sets forth the resolution;
5. States that all discussions that occurred during the mediation process will remain confidential and not be used as evidence in any future complaint, due process hearing, or civil proceeding; and
6. Is signed by both the complainant and a district representative.

C. The complainant and district may agree to extend the complaint timelines to pursue mediation.

#### **Preservation of Records**

The files containing copies of all correspondence relative to each complaint communicated to the district and the disposition, including any corrective measures instituted by the district, shall be retained in the office of the Title IX/Civil Rights Compliance Officer following the State of Washington's [School Districts Records Retention Schedule](#).

## **Policy 5160 Sexual Harassment**

All employees and volunteers will be provided a work environment free from sexual harassment. Sexual harassment is a form of misconduct which undermines the integrity of the employment relationship. Such conduct, whether committed by supervisory or nonsupervisory personnel, is specifically prohibited.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either an explicit or implicit term or condition of an individual's employment, or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that person, or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Any employee or volunteer who believes he/she has been subjected to sexual harassment on the job should bring this to the immediate attention of his/her supervisor, the Affirmative Action Officer, or the executive director of human resources.

All such complaints will be promptly investigated and, where appropriate, immediate corrective action will be taken to end sexual harassment and prevent its recurrence. Corrective action may include disciplinary action, up to and including suspension or termination, against those who violate the sexual harassment policy and support and/or assistance, as appropriate, for individuals who have been subjected to sexual harassment. Disciplinary actions shall be in compliance with collective bargaining agreements and state and federal law. To the highest degree possible, allowing for a fair investigation, complaints will be treated in a confidential manner. Retaliation against employees or volunteers shall not occur because they have made complaints of sexual harassment to management.

Persons who knowingly report false allegations of sexual harassment or corroborate false allegations of sexual harassment will be subject to appropriate discipline or other sanctions.

Reasonable efforts shall be made to inform all employees and volunteers of the district's sexual harassment policy and procedures. These efforts shall include insertion of the policy and procedures in new employee information and volunteer orientation materials.

Informal complaints of sexual harassment by employees or volunteers shall be reported to the employee's or volunteer's supervisor, the Affirmative Action Officer, or the executive director of human resources. The administrator receiving the complaint will be responsible for coordinating the investigation of such complaint with the district's Affirmative Action Officer or executive director of human resources. Formal complaints of sexual harassment shall be processed in accordance with the complaint procedures set forth in [Procedure 5160P](#).

Annually in conjunction with the report to the board of directors on the Affirmative Action Plan, the Affirmative Action Officer will review the use and efficacy of the sexual harassment policy and procedures.

## **Procedure 5160P Sexual Harassment**

### **Complaint Procedure**

These procedures have been developed for the resolution of sexual harassment complaints of employees or volunteers of the district. No person shall be adversely affected in any way because of the utilization of these procedures.

### **Informal Complaints**

At the employee/volunteer's option, attempts will be made to resolve complaints of discriminatory harassment informally, expeditiously and at the closest point of administrative responsibility to the alleged offense. Informal complaints of discriminatory harassment of an employee/volunteer may be reported to his/her



supervisor, the Affirmative Action Officer, or the executive director of human resources. The supervisor will be responsible for investigation and resolution of informal complaints. The supervisor may seek assistance or guidance from the district's Affirmative Action Officer or executive director of human resources. The supervisor must notify the complainant of his/her right to file a formal complaint under this policy. The notice shall be provided in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency, in accordance with Title VI of the Civil Rights Act of 1964.

### **Formal Complaints**

A. The district's executive director of human resources or designee shall be responsible for monitoring and coordinating the district's compliance with WAC 392-190 and related procedures and ensuring that all complaints communicated to the district are promptly investigated and resolved.

The Executive Director of Human Resources is:

Debra Kovacs

Everett School District No. 2

3900 Broadway

P.O. Box 2098

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dkovacs@everettsd.org

Phone: (425) 385-4100

The executive director of human resources or designee will receive and investigate formal complaints. School or district administrators who receive a formal complaint of discriminatory harassment will promptly notify the executive director of human resources or designee and forward a copy of the complaint.

B. The allegations of discriminatory harassment shall:

1. Be written;
2. Be signed by the complainant;
3. Describe the specific acts, conditions, or circumstances alleged to violate the district's policies or obligations with regard to sexual harassment; and
4. Be filed with the executive director of human resources or designee within one (1) year after the occurrence that is the subject of the complaint, unless the delay is due to specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint or the district withheld information that was required to be provided under [WAC 392-190](#) or related guidelines.

C. Upon receipt of the complaint, the district's executive director of human resources or designee will provide the complainant a copy of Procedure 5160P in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency, in accordance with Title VI. The district will promptly and thoroughly investigate the complaint. Following completion of the investigation, the executive director of human resources shall provide the superintendent or designee with a full written report of the complaint and the results of the investigation, unless the matter is resolved to the satisfaction of the complainant without an investigation or prior to the submission of a written report.

#### **Procedure 5160P Sexual Harassment (cont.)**

D. The superintendent or designee shall respond in writing to the complainant within thirty (30) calendar days after the district received the written complaint by the district, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. If an extension is needed, the district will notify the complainant in writing of the reasons for the extension and the anticipated response date in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency, in accordance with Title VI. At the time the district

responds to the complainant, the district will send a copy of the response to the office of the superintendent of public (OSPI) instruction.

E. The response by the superintendent or designee will include:

1. A summary of the results of the investigation;
2. Whether the district failed to comply with [WAC 392-190](#) or related guidelines;
3. If the district failed to comply with [WAC 392-190](#) or related guidelines, the corrective measures deemed necessary to correct the noncompliance; and
4. Notice of the complainant's right to appeal under [WAC 392-190-005](#), including where and with whom the appeal should be filed.

The district's response to the complaint will be provided in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency in accordance with Title VI.

F. Corrective measures necessary to correct any noncompliance shall be instituted as expeditiously as possible, but no later than thirty (30) calendar days after the district's written response to the complainant, unless otherwise agreed to by the complainant.

G. A complainant may appeal the superintendent or designee's decision to a hearing officer designated by the district to hear the appeal by filing a written notice of appeal with the superintendent on or before the tenth (10th) calendar day from the date the complainant received the superintendent or designee's response. The hearing officer shall not have been involved in the initial complaint or investigation.

H. Upon receipt of an appeal, the hearing officer shall provide a written appeal decision to the complainant in a timely manner, not to exceed thirty (30) calendar days from the date the district received the appeal, unless otherwise agreed to by the complainant. The appeal decision will include notice of the complainant's right to file a complaint with the superintendent of public instruction under [WAC 392-190-075](#).

The appeal decision will be provided in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency in accordance with Title VI. The decision of the hearing officer will include notice of the complainant's right to file a complaint with OSPI. The district will send a copy of the appeal decision to OSPI.

I. In the event a complainant disagrees with the appeal decision of the hearing officer or if the district fails to comply with the procedures in [WAC 392-190-065](#) or [WAC 392-190-070](#), the complainant may file a complaint with OSPI under [WAC 392-190-075](#). A complaint must be received by OSPI within twenty (20) calendar days after the complainant received the hearing officer's written appeal decision.

#### Mediation of Complaints

A. The district may offer mediation, at its expense, to resolve a complaint at any time during the complaint procedure. Mediation:

11. Must be voluntary;
12. Requires the agreement of the district and the complainant;
13. May be terminated by either party during the mediation process;
14. Cannot be used to deny or delay a complainant's right to utilize the complaint procedure; and
15. Be conducted by a qualified and impartial mediator, who is not an employee of the district and who has no personal or professional conflict of interest.

#### **Procedure 5160P Sexual Harassment (cont.)**

B. If the parties resolve the complaint through mediation, the parties may execute a legally binding agreement that:

7. Sets forth the resolution;
8. States that all discussions that occurred during the mediation process will remain confidential and not be used as evidence in any future complaint, due process hearing, or civil proceeding; and

9. Is signed by both the complainant and a district representative.

C. The complainant and district may agree to extend the complaint timelines to pursue mediation.

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

### **Policy 5253 Maintaining Professional Staff/Student Boundaries**

#### **Purpose**

This policy provides all staff, students, volunteers, and community members with information about their role in protecting children from inappropriate conduct by adults. This policy applies to all district staff and volunteers. For the purpose of this policy and its procedure, the terms “district staff,” “staff member(s),” and “staff” also include volunteers.

#### **General Standards**

The board expects all district staff to maintain the highest professional standards when they interact with students. All district staff are required to maintain an atmosphere conducive to learning by consistently maintaining professional boundaries.

Professional staff/student boundaries are consistent with the legal and ethical duty of care that district staff have for students.

The interactions and relationships between district staff and students should be based upon mutual respect, trust, and commitment to the professional boundaries between staff and students in and outside of the educational setting, and consist with the educational mission of the district.

District staff will not intrude on a student’s physical and emotional boundaries unless the intrusion is necessary to serve a demonstrated educational purpose. An educational purpose is one that relates to the staff member’s duties in the district. Inappropriate

boundary invasions can take various forms. Any type of sexual conduct with a student is an inappropriate boundary invasion.

Additionally, staff members are expected to be aware of the appearance of impropriety in their own conduct and the conduct of other staff when interacting with students. Staff members will notify and discuss issues with their building administrator or supervisor or human resources whenever they suspect or question whether their own or another staff member's conduct is inappropriate or constitutes a violation of this policy.

A staff member who has knowledge or reasonable cause to believe that a student has been a victim of physical abuse or sexual misconduct by another staff member is required by law to report such abuse or misconduct to the appropriate school administrator. The school administrator shall cause a report to be made to the proper law enforcement agency if the administrator has reasonable cause to believe that misconduct or abuse has occurred. During the process of making a reasonable cause determination, the school administrator shall contact all parties involved in the complaint.

The board recognizes that staff may have familial and pre-existing social relationships with parents/guardians and students. Staff members should use appropriate professional judgment when they have a dual relationship to students to avoid violating this policy, the appearance of impropriety, and the appearance of favoritism. Staff members shall proactively discuss these circumstances with their building administrator or supervisor.

### **Use of Technology**

The board supports the use of technology to communicate for educational purposes. However, when the communication is unrelated to school work or other legitimate school business, district staff are prohibited from communicating with students by phone, email, text, instant messenger, or other forms of electronic or written communication. District staff members are prohibited from engaging in any conduct on social networking websites that violates the law, district policies or procedures, or other generally recognized professional standards. This prohibition includes prohibiting staff from "friending" and/or "following" students on social media.

### **Policy 5253 Maintaining Professional Staff/Student Boundaries (cont.)**

Staff whose conduct violates this policy may face discipline and/or termination consistent with the district's policies and procedures, acceptable use agreement, and collective bargaining agreements, as applicable.

The superintendent or designee will develop protocols for reporting and investigating allegations of a failure to maintain professional boundaries and develop procedures and training to accompany this policy.

### **Procedure 5253P Maintaining Professional Staff/Student Boundaries**

School employees and volunteers are required to maintain professional and appropriate boundaries in their relationships with students that are consistent with legal and ethical standards of care.

#### **Reporting Violations**

All school staff members or volunteers must promptly notify the supervisor of a staff member or volunteer suspected of engaging in a boundary invasion toward a student.

Staff members should:

- Not wait before reporting suspicious behavior or try to determine whether there is an innocent explanation;
- Not confront or discuss the matter with the staff member at issue or with anyone else, but maintain confidentiality to protect privacy and avoid rumors; and
- Document for their own records that they notified an administrator, including to whom and what they reported

Students and their parents/guardians are strongly encouraged to notify the principal or designee if they believe a staff member or volunteer may be engaging in inappropriate boundary invasion conduct with a student.

### **Boundary Invasion**

A boundary invasion is an act or pattern of behavior by a staff member or volunteer that does not have a bona fide health, safety, or educational purpose for the student. Staff members and volunteers shall not engage in boundary invasions of students, which include, but are not limited to, the following:

- A. Any type of inappropriate physical or sexual conduct with a student or any other conduct that violates the board's policies regarding student welfare, the educational environment, or conduct toward current or former students. Inappropriate physical conduct includes hugging, kissing, or being "overly touchy" with students without any legitimate educational or professional purpose;
- B. Showing intimate or unduly revealing photos to a student or asking a student to provide intimate or unduly revealing photos, taking inappropriate photographs of a student, or taking an inordinate number of photographs of a student;
- C. Any kind of flirtatious or sexual communications with a student;
- D. Singling out a particular student or students for personal attention and friendship beyond the professional staff/student relationship. This includes, but is not limited to, favoring one or more students with special privileges, allowing them to remain in the classroom during non-class times, unilaterally removing a student from another class or activity, or engaging in "peer like" behavior with one or more students;
- E. Providing alcohol, drugs, or tobacco to students or failing to report their use of these substances;
- F. For non-guidance/counseling staff, allowing or encouraging students to confide their personal or family problems and/or relationships. If a student initiates such discussions, staff members shall refer the student to appropriate guidance/counseling staff. In either case, staff involvement should be limited to a direct connection to the student's school performance;



- G. Sending students on personal errands unrelated to any educational purpose;
- H. Banter, allusions, jokes, or innuendos of a sexual nature with students;
- I. Commenting on a student's appearance in a flirtatious or sexual nature, or if the comments have no educational value;
- J. Disclosing personal, sexual, family, or employment concerns or other private matters to one or more students;
- K. Addressing students or permitting students to address staff members or volunteers with personalized terms of endearment, pet names, or otherwise in an overly familiar manner;

**Procedure 5253P Maintaining Professional Staff/Student Boundaries (cont.)**

- L. Maintaining personal contact (including "friending" or "following") a student on any social networking application or device;
- M. Sending phone, email, text, instant messenger, or other forms of written or electronic communication to students when the communication is unrelated to schoolwork or other legitimate school business. If staff members have educational or legitimate school business to conduct with students, they should use only district-approved applications to text or call. Communications that are one-way and sent to the entire class may be sent directly to students through one of these applications. If any communication is directed to a small group of students or an individual student, staff shall include a parent/guardian unless doing so would jeopardize the safety, health or welfare of the student. Staff members should use school email addresses and the contact information on file for the student and parent/guardian from the district student information system and not personally collected contact information, except in an emergency situation;
- N. Exchanging or providing personal gifts, cards, or letters with an individual student;
- O. Socializing or spending time with students (including but not limited to activities such as going out for beverages, meals or movies, shopping, traveling and recreational activities) outside of school-sponsored events, except as participants in organized community activities;
- P. Giving a student a ride alone in a vehicle in a non-emergency situation or failing to timely report that occurrence;

- Q. Providing a student with information or views about other students or staff members without a legitimate professional purpose;
- R. Asking a student to keep a secret or not to disclose any inappropriate communications or conduct;
- S. Unnecessarily invading a student's privacy, (e.g., walking in on the student in the bathroom or a hotel room on a field trip);
- T. Being alone with an individual student out of the view of others; and/or
- U. Any home visits unless other adults are present, the student(s) are invited for an activity related to school, and the student's parent/guardian and an administrator are informed and have consented.

### **Investigation and Documentation**

When an administrator receives information that a boundary invasion has occurred or might have occurred, the administrator must document, in writing, the concern and provide a copy of the documentation to the appropriate regional superintendent, the district Title IX/Civil Rights Compliance Officer, and general counsel. The Title IX/Civil Rights Compliance Officer will investigate and document the matter, and if a boundary invasion has occurred without a legitimate educational or safety purpose, ensure that appropriate action is taken and documented. The district will maintain a file documenting reports, letters of direction, and discipline relating to professional boundary investigations.

### **Reminder About Reporting Sexual Abuse**

All school personnel who have reasonable cause to believe that a student has experienced sexual abuse by an adult or another student are required to make a report to Child Protective Services and/or law enforcement. Reporting suspected abuse to the building principal or supervisor does not relieve professional school personnel from their reporting responsibilities and timelines.

### **Disciplinary Action**

Staff member or volunteer violations of this procedure may result in disciplinary action up to and including dismissal. Violations may occur by ignoring professional boundaries, as well as by failing to report another staff member or volunteer who is ignoring professional boundaries. In any disciplinary situation, the superintendent or designee should consider whether the conduct violates the code of professional conduct in [Chapter 181-87 WAC](#) and whether a report to the Office of Professional Practices is

warranted.

### **Training**

All new staff members and volunteers will receive training on appropriate staff/student boundaries within three (3) months of employment or beginning of service. Such initial training may be on-line training. Site administration and classified employee supervisors shall see to it that more detailed, live training covering this entire procedure shall occur every two (2) years for all schools and work sites. Site administration and classified employee supervisors will also address professional boundaries at staff meetings early in the year.

### **Procedure 5253P Maintaining Professional Staff/Student Boundaries (cont.)**

### **Dissemination of Policy and Reporting Protocols**

[Policy 5253](#) and this procedure will be included on the district website and in all employee, student, and volunteer handbooks. Annually, all administrators and staff will receive copies of the district's reporting protocol.

SERIES 1000 – BOARD OF DIRECTORS			
Policy/ Procedure	Title	Description	Situation to apply
<a href="#">1400S</a>	Board Meeting Schedule	Yearly schedule of school board meetings	· To attend a school board meeting or refer someone to a meeting.

SERIES 2000 - INSTRUCTION			
Policy/ Procedure	Title	Description	Situation to apply
<a href="#">2125P</a>	Web-based Resources and Other Online Educational Services	The availability of innovative online technologies to engage students in relevant learning opportunities.	<ul style="list-style-type: none"> <li>· Before providing/piloting web resources</li> <li>· Before creating a student account, uploading files, or utilizing a communication resource not part of an adopted instructional program</li> <li>· Before notifying parents of approved web service not part of an adopted instructional program</li> </ul>
<a href="#">2145P</a>	Suicide Prevention	Protocol for school staff to support students expressing suicidal ideation, displaying suicidal behaviors or have attempted to harm themselves.	<ul style="list-style-type: none"> <li>· While assessing the risk of student's mental health</li> <li>· In the event a student suicide occurs or is attempted</li> <li>· When looking for suicide prevention resources</li> </ul>

<a href="#"><u>2150P</u></a>	Co-Curricular Program	Appropriate co-curricular activities are provided contributing to the athletic, intellectual, social, emotional, and physical development of students.	<ul style="list-style-type: none"> <li>· Before implementing a new co-curricular activity.</li> <li>· While reviewing the qualifications/criteria for a co-curricular program.</li> <li>· Cross-reference to <a href="#"><u>2150.</u></a></li> </ul>
<a href="#"><u>2151P</u></a>	Interscholastic Athletics/Activities	The interscholastic activities program includes games, sport competitions or exhibitions for eligible individual students or teams of eligible students.	<ul style="list-style-type: none"> <li>· When a new coach has been hired.</li> <li>· When assessing a student's eligibility for athletics/activities.</li> <li>· When a parent/guardian has questions regarding a student's eligibility.</li> <li>· When a guardian requests to transport a student to/from an event.</li> <li>· If a student is found potentially in violation of the code of conduct.</li> <li>· When a student/guardian would like to appeal the school's decision in discipline or exclusion from a sport.</li> <li>· If a student of the opposite gender requests to participate in an interscholastic program.</li> </ul>

<b>Policy/ Procedure</b>	<b>Title</b>	<b>Description</b>	<b>Situation to apply</b>
<a href="#"><u>2153P</u></a>	Student Group Meetings (Limited Open Forum)	Groups of secondary students want to organize for co-curricular or non-curricular purposes and hold meetings in school facilities.	<ul style="list-style-type: none"> <li>· When a non-curriculum group requests principal recognition of co-curricular status.</li> <li>· Before permitting a co-curricular or non-curriculum group to utilize the school facilities for activities.</li> </ul>
<a href="#"><u>2210P</u></a>	Special Education and Related Services for Eligible Students	Students whose disabilities adversely impact educational performance and who require specially designed instruction. Ensure that disabled students are identified, evaluated, and provided with appropriate educational services.	<ul style="list-style-type: none"> <li>· When reviewing insurance or funding for student's special education provisions and services.</li> <li>· Before engaging with parents/guardians on the student's Individual Education Plan (IEP)</li> <li>· Before referring a child for special education and related services. (Child Find)</li> <li>· Before transitioning a student to special education services or vice versa.</li> <li>· Before disciplining or suspending a student with an IEP or that is undergoing evaluative testing.</li> </ul>

<a href="#"><u>2211/2211P</u></a>	Education of Students with Disabilities Under Section 504 of the Rehabilitation Act of 1973	Ensure that disabled students within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services.	<ul style="list-style-type: none"> <li>· Before accommodating a student with disabilities(s) or impairment(s) in any school service/program.</li> <li>· Before disciplining, a student recognized to have a disabling condition.</li> <li>· When referencing or complying to Section 504 and/or IDEA.</li> <li>· When placing a student in a program not operated by the district.</li> <li>· Before taking action to resolve a legal dispute regarding a student with disabilities.</li> </ul>
<a href="#"><u>2311P</u></a>	Selection and Adoption of Instructional Materials	Procedures for adoption and approval of instructional materials.	<ul style="list-style-type: none"> <li>· Before implementing a social studies adoption.</li> <li>· Before establishing a Curriculum Review Committee</li> <li>· Before establishing an Instructional Materials Committee or adding a new member.</li> <li>· Before deciding upon a referral for the school board to review.</li> <li>· If an affected staff member would like to appeal a materials decision.</li> <li>· For parents to challenge a curriculum or excuse a student from</li> </ul>

			participation in curriculum.
<b>Policy/ Procedure</b>	<b>Title</b>	<b>Description</b>	<b>Situation to apply</b>
<a href="#"><u>2320P</u></a>	Field Trips	Field trips are natural extensions of the curricular, co-curricular, and interscholastic programs and are opportunities for students to participate in activities and gain learning experiences that cannot be duplicated in the classroom or on the school site.	<ul style="list-style-type: none"> <li>· To obtain approval from building administration to organize/plan a field trip.</li> <li>· Before making financial arrangements for a field trip.</li> <li>· Before planning a field trip and communicating to parents/guardians.</li> <li>· Before approving a volunteer adult supervisor for field trips/events.</li> <li>· While reviewing the plausibility of a disabled student participating in a field trip.</li> <li>· When transportation is required through staff members or non-employee drivers.</li> <li>· When preparing for student health care needs, insurance and emergencies on field trips.</li> <li>· When experiencing issues with a student on a field trip.</li> </ul>



<a href="#">2321P</a>	Guest Speakers	The district may provide for the use of guest speakers and have procedures for their use and approval including notification of parents/guardians.	<ul style="list-style-type: none"> <li>· Before requesting a guest speaker.</li> <li>· Before the approved guest speaker visits the classroom.</li> <li>· Information for guest speakers to read relating to the topic of government and democracy.</li> <li>· Speakers that are elected or are running for office</li> <li>· Cross reference: <a href="#">2321</a> and <a href="#">2331</a></li> </ul>
<a href="#">2331/2331P</a>	Controversial Issues	The district offers courses of study to afford learning experiences appropriate to the level of student understanding.	<ul style="list-style-type: none"> <li>· Before presenting a controversial topic or class to students.</li> <li>· Obligation for staff to be fair and impartial while facilitating classroom discussions</li> <li>· Before allowing a controversial speaker to present.</li> <li>· In the event a student does not wish to attend a controversial presentation.</li> </ul>

Policy/ Procedure	Title	Description	Situation to apply
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<a href="#"><u>2340P</u></a>	Religious-Related Activities and Practices	The district complies with the United States and Washington State constitutions, federal and state law, and the decisions made by the respective courts in making decisions regarding religious-related activities and practices.	<ul style="list-style-type: none"> <li>· Before instructing in a discipline that may have a religious dimension.</li> <li>· If student declines to participate in a school activity or requests to use school facilities after-hours related to his/her religious beliefs.</li> <li>· Before planning an activity focused on a holiday.</li> <li>· If a student engages in devotional activity during school programs or in activities before or after school on site.</li> <li>· If a parent/student is aggrieved by practices or activities conducted in the school or district.</li> </ul>
<a href="#"><u>2410/2410P</u></a>	High School Graduation Requirements	Graduation requirements have been established to ensure students are prepared for post-secondary education, training and career with 21st century skills and the foundations needed for lifelong learning.	<ul style="list-style-type: none"> <li>· Before the class of 2021 starts grade 9.</li> <li>· Before implementing a new secondary course study.</li> <li>· When reviewing a student's graduation requirements.</li> </ul>

**SERIES 3000 - STUDENTS**

Policy/ Procedure	Title	Description	Situation to apply
<a href="#">3122P</a>	Attendance	Regular, consistent, timely attendance is essential to school success, student learning and future employment habits. Teachers will keep a record of student absences and tardiness.	<ul style="list-style-type: none"> <li>· Use for definition of tardy, excused or unexcused absence and requirements for principals and certificated staff to enforce district's attendance policies and procedures.</li> </ul>
<a href="#">3200</a>	Student Rights and Responsibilities	Assuring learning experiences to help all students develop skills, competencies and attitudes fundamental to achieving individual satisfaction as responsible, contributing citizens.	<ul style="list-style-type: none"> <li>· Quick reference guide to district policies and procedures related to student rights, conduct and discipline.</li> </ul>
<a href="#">3204/3204P</a>	Prohibition of Harassment, Intimidation or Bullying	The district maintains a safe and civil educational environment for all students, employees, parents/legal guardians, volunteers and community members that is free from harassment, intimidation and bullying	<ul style="list-style-type: none"> <li>· Reference for steps to take to identify, report, and address HIB and for staff interventions.</li> </ul>

Policy/ Procedure	Title	Description	Situation to apply
<a href="#">3205/3205P</a>	Sexual Harassment of Students	The district maintains a learning environment for students that is free from all forms of discrimination, including sexual harassment. This commitment extends to all students involved in academic, educational, extracurricular, athletic, and other programs or activities of the school, whether that program or activity is in a school facility, on school transportation or at a class or school training held elsewhere.	<ul style="list-style-type: none"> <li>· Definition of harassment, complaint process and corrective actions.</li> </ul>
<a href="#">3210/3210P</a>	Nondiscrimination	The district provides equal educational opportunity and treatment for all students in all aspects of the academic and activities program.	<ul style="list-style-type: none"> <li>· Use for definition of nondiscrimination and district's nondiscrimination statement. Complaint process outlined.</li> </ul>

<a href="#">3213/3213P</a>	Gender-Inclusive Schools	The district provides an educational environment that is safe and free of discrimination for all students, regardless of sex, sexual orientation, gender identity or gender expression.	<ul style="list-style-type: none"> <li>Definitions and specific steps for compliance with local, state and federal laws concerning transgender students.</li> </ul>
<a href="#">3224/3224P</a>	Student Dress	Student dress shall only be regulated when, in the judgment of school administrators, there is a reasonable expectation that a health or safety hazard, damage to school property or a material and substantial disruption of the educational process will result from the students' dress or appearance.	<ul style="list-style-type: none"> <li>When a student's clothing or something they are wearing disturbs, disrupts, interferes, or detracts from the school environment, activity, or meeting educational objectives.</li> </ul>
<a href="#">3231P</a>	Searches of Students and Their Property	Students are subject to search by a principal/designee if reasonable grounds exist to suspect that evidence of a violation of the law or school rules will be uncovered. School staff shall report a student's suspicious activity to the	<ul style="list-style-type: none"> <li>Process for referring a student's suspicious activity related to possession of unknown property to the principal/designee.</li> </ul>

		principal/designee.	
<a href="#">3232P</a>	Searches of Lockers, Desks, and Storage Areas	A student's locker, desk, or storage area may be searched by the principal/designee if reasonable grounds exist to suspect that evidence of a violation of the law or school rules will be uncovered. School staff shall report a student's suspicious activity to the principal/designee.	<ul style="list-style-type: none"> <li>· Process for referring a student's suspicious activity related to possession of unknown property stored on school grounds to the principal/designee.</li> </ul>
<a href="#">3244/3244P</a>	Students Riding School Buses or Other District Provided Transportation	The denial of the privilege of riding the bus is reserved for the principal or their designee.	<ul style="list-style-type: none"> <li>· When a student's conduct on a school bus merits corrective action.</li> </ul>

<b>Policy/ Procedure</b>	<b>Title</b>	<b>Description</b>	<b>Situation to apply</b>
<a href="#">3245/3245P</a>	Technology	To help ensure student safety and digital citizenship in appropriate, ethical online activities, students will be educated about appropriate use of district technology and	<ul style="list-style-type: none"> <li>· Use when a student's use of district hardware (computers, laptops, cameras), software, internet, network, or Wi-Fi have been used inappropriately.</li> <li>· Inappropriate actions with other individuals on websites; cyberbullying awareness</li> </ul>

		online behavior.	and response.
<a href="#">3246P</a>	Personal Electronic Devices	The district provides students with the technology they need during the school day to access digital and online learning experiences. However, students may use personal electronic devices (PEDs), such as cell phones, tablets, and other mobile devices while on school property or while attending school-sponsored or school-related activities subject to procedures established by the superintendent.	<ul style="list-style-type: none"> <li>Guidelines and expectations for students for proper use of PEDs on district property, and disciplinary actions for violations of district policy.</li> </ul>
<a href="#">3300/3300P</a>	Student Discipline	Rules of student conduct, designed to provide students with a safe, healthy, and educationally sound environment.	<ul style="list-style-type: none"> <li>Guidelines for staff authority regarding student discipline and behavioral expectations.</li> </ul>
<a href="#">3318</a>	Discipline of Special Education Students	Guidelines for the discipline of students with an Individualized Education Program (IEP) or related services.	<ul style="list-style-type: none"> <li>When the behavior of a special education student is likely to lead to a recommendation of suspension or non-emergency expulsion.</li> </ul>

<a href="#">3319/3319P</a>	Use of Physical Restraint and Isolation with Students	Physical restraint and isolation of a student should be avoided; however, on occasion it may be necessary to use physical restraint or to isolate a student to preserve the safety of students and staff.	<ul style="list-style-type: none"> <li>· Definition of physical restraint and isolation, and district process for its use.</li> </ul>
<a href="#">3332/3332P</a>	Teacher Responsibilities and Rights	General provisions and procedures for teachers' rights and responsibilities for student behavior expectations.	<ul style="list-style-type: none"> <li>· Defining student behavior expectations and teacher's rights, responsibilities and authority to maintain classroom order.</li> </ul>
<a href="#">3400/3400P</a>	Student Welfare	Staff are to conduct all school programs and operations in a manner that recognizes the health and safety of students.	<ul style="list-style-type: none"> <li>· Expectations and guidelines to minimize the occurrence of situations in which staff members may incur liability for their acts in relation to students.</li> </ul>

Policy/ Procedure	Title	Description	Situation to apply
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<a href="#">3416/3416P</a>	Medication at School	Guidelines for the appropriate and authorized storage, administration, and monitoring of prescribed or non-prescribed medication on school grounds.	<ul style="list-style-type: none"> <li>· When it is necessary for a student to receive prescribed and/or non-prescribed (over the counter) medication at school.</li> <li>· Storage and administration of medication at school under the supervision of a nurse, staff member or parent/guardian.</li> <li>· Guidelines for prescriptions of marijuana to students and its prohibition for administration/use at school.</li> </ul>
<a href="#">3418/3418P</a>	Animals in Schools	Animals on school property are discouraged and must have direct relevance to the objectives of the instructional program.	<ul style="list-style-type: none"> <li>· Guidelines and restrictions for introduction of animals at school.</li> </ul>
<a href="#">3421/3421P</a>	Child Abuse, Neglect and Exploitation	Professional school personnel must meet their legal obligation under RCW 26.44.030 to report to Child Protective Services (CPS) or the proper law enforcement agency within forty-eight (48) hours when they have reasonable cause to believe that a child has suffered abuse or	<ul style="list-style-type: none"> <li>· Definitions of child abuse, neglect and exploitation and staff responsibilities for reporting every instance of suspected child abuse, neglect or exploitation.</li> </ul>

		neglect.	
<a href="#">3530/3530P</a>	Student Fundraising Activities	The solicitation of funds from students, staff and citizens must be limited since students are a captive audience and since solicitation can disrupt the program of the schools.	<ul style="list-style-type: none"> <li>Guidelines and expectations to follow for student fundraising activities.</li> </ul>
<a href="#">3600P</a>	Student Records	The district shall maintain those student records necessary for the educational guidance and/or welfare of students, for orderly and efficient operation of schools and as required by law. All information related to individual students shall be treated in a confidential and professional manner.	<ul style="list-style-type: none"> <li>Guidelines for accessibility, maintenance, and FERPA rights pertaining to student records.</li> </ul>
<a href="#">3610P</a>	Child Custody	Written guidelines pertaining to rights of non-custodial parents should be readily accessible to direct staff if a non-custodial parent appears without prior notice to meet with the teacher of his/her child, to visit with his/her child, or to	<ul style="list-style-type: none"> <li>Defining rights of non-custodial parents to have access to the classroom, school-sponsored activities, and teaching materials. Guidelines for visits and/or releasing student to non-custodial parent.</li> </ul>

		remove his/her child from the school premises.	
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SERIES 4000 – COMMUNITY RELATIONS			
Policy/ Procedure	Title	Description	Situation to apply
<a href="#">4131P</a>	Confidential Communications	Staff shall follow all applicable laws, regulations and rules regarding release of information about students, personnel, and district programs.	<ul style="list-style-type: none"> <li>Guidelines to follow if a student reveals confidential information that may put them or others in danger.</li> </ul>
<a href="#">4205</a>	Use of Tobacco, Nicotine Products and Delivery Devices	To protect students from exposure to the addictive substance of nicotine and to set a smoking-free example for students, employees, students and all community members have an obligation as role models to refrain from the use of tobacco and tobacco-like products on district	<ul style="list-style-type: none"> <li>Guidelines to enforce the district's policy for no smoking cigarettes, electronic cigarettes, cigars or any other use of tobacco or tobacco-like products at schools, district buildings, district property and district-owned vehicles.</li> <li>Cross reference: <a href="#">Policy 5140</a></li> </ul>

		property.	
<a href="#">4207</a>	Regulation of Firearms and Dangerous Weapons on School District Property	It is a violation of district policy and state law for any person to carry a firearm or dangerous weapon on school district property, district-provided transportation or areas of other facilities being used exclusively for school district activities unless specifically authorized by state law.	<ul style="list-style-type: none"> <li>· School or district officials will promptly notify the student's parents/guardians and the appropriate law enforcement agency of known or suspected violations of this policy.</li> </ul>
<a href="#">4310</a>	Contact with School/District Staff	Certificated staff working at school sites shall be available to consult with parents, citizens, or students for one-half hour before and after the school day.	<ul style="list-style-type: none"> <li>· Guidelines for assuring parents have access to their child's classroom for the purpose of observing class procedure, teaching material, and class conduct.</li> </ul>
<a href="#">4312P</a>	Complaints to Board Members Concerning Staff	The board welcomes constructive feedback about district programs but the board has a legal and ethical responsibility to protect its staff from unwarranted criticism and/or disruption of school programs.	<ul style="list-style-type: none"> <li>· Process to follow for filing/expressing a complaint regarding a staff member.</li> </ul>

<a href="#">4314/4314P</a>	Visitors, Animals on District Property and/or Disruption of School Operations	Visits to schools by parents/guardians, other adult residents of the community, and other educators are welcome. In order to manage the risks associated with the presence of dogs or other animals on district property, the superintendent will establish guidelines governing such activity.	<ul style="list-style-type: none"> <li>· Guidelines and security measures to follow for minimal disruption when visitors are permitted to observe the educational program.</li> <li>· Restrictions applying to dogs and other animals on district property.</li> </ul>
<a href="#">4316P</a>	Notification of Threats of Violence or Harm	Students and school employees who are subjects of significant, credible threats of violence or physical harm shall be notified of the threats.	<ul style="list-style-type: none"> <li>· Notification procedure for if/when credible threats are made and federal confidentiality obligations.</li> </ul>

Policy/ Procedure	Title	Description	Situation to apply
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<a href="#">4340/4340P</a>	Public Access to District Records	<p>The district shall afford full access to public records concerning the administration and operations of the district in accordance with the Public Records Act. Access to student records is primarily controlled by the Family Educational Rights and Privacy Act FERPA (20 U.S.C. § 1232g. 34 CFR Part 99).</p>	<ul style="list-style-type: none"> <li>· When a parent or community member requests to see or be provided copies of district records beyond their normal access online or in regular school communications.</li> <li>· Public Records Office</li> </ul> <p>CRC – 3900 Broadway</p> <p>425-385-4188</p> <p>425-385-4172 (Fax)</p> <p>publicrecords@everettsd.org</p>
<a href="#">4411/4411P</a>	Working Relationships with Law Enforcement, Child Protective Services and the County Health Department	<p>The primary responsibility for maintaining proper order and conduct in the schools resides with district staff. Therefore, district staff shall be responsible for holding students accountable for infractions of school rules, which may include minor violations of the law occurring during school hours or at school activities.</p>	<ul style="list-style-type: none"> <li>· Protocols for interviews of students by law enforcement, CPS and the county health department on school grounds. Parameters for when a parent must be notified of such actions by the school administrator.</li> </ul>

<a href="#">4412</a>	Political Relationships with Governmental Agencies	The board recognizes and encourages the right of its employees, as citizens, to engage in political activity. School property and school time, supported by public funds, may not be used for political purposes.	<ul style="list-style-type: none"> <li>· Guidelines for staff to engage in political activity or who hold elective or appointive public office.</li> </ul>
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SERIES 5000 – HUMAN RESOURCES			
Policy/ Procedure	Title	Description	Situation to apply
<a href="#">5010/5010P</a>	Affirmative Action and Nondiscrimination	The district provides equal employment opportunity for all applicants and employees and will not tolerate unlawful discriminatory practices.	<ul style="list-style-type: none"> <li>· Recruitment, hiring, retention, assignment, transfer, promotion, training and reasonable accommodations per the Americans with Disabilities Act (ADA)</li> </ul>
<a href="#">5140</a>	Tobacco or Tobacco-Like Products Use Policy	Tobacco or tobacco-like product use is prohibited inside all district facilities, on all district property and in all district vehicles.	<ul style="list-style-type: none"> <li>· Employees are subject to this policy, which includes rented or leased facilities to other agencies.</li> <li>· Cross reference: <a href="#">Policy 4205</a></li> </ul>

<a href="#">5150</a>	Drug-Free Workplace	The district complies with and prohibits acts involving alcohol, illegal drugs and controlled substances including marijuana (cannabis) per the Drug-Free Workplace Act of 1988.	<ul style="list-style-type: none"> <li>Employees and patrons are subject to this policy. Workplace includes any district building or property, district-owned vehicle, or other district-approved vehicle used to transport students, off-district property during any school-sponsored or school-approved activity, event, or function.</li> </ul>
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<b>Policy/ Procedure</b>	<b>Title</b>	<b>Description</b>	<b>Situation to apply</b>
<a href="#">5160/5160P</a>	Sexual Harassment	All employees and volunteers will be provided a work environment free from sexual harassment.	<ul style="list-style-type: none"> <li>When an employee or volunteer reports unwelcome requests for sexual favors, and other verbal or physical conduct of a sexual nature as a condition of employment, in employment decisions or it substantially affects the individual's work performance.</li> </ul>
<a href="#">5161</a>	Civility in the Workplace	The board commits the district in its entirety to the core value of mutual respect for each person regardless of individual differences or	<ul style="list-style-type: none"> <li>Board of Directors, employees, parents, volunteers, contractors and visitors are subject to this policy when uncivil conduct or other forms of disruptive behavior interferes with an employee's ability to</li> </ul>



		characteristics.	accomplish their work and a school's ability to educate its students.
<a href="#">5215</a>	Conflicts of Interest	The purpose of this policy is to provide guidance on activities that may constitute a conflict of interest.	<ul style="list-style-type: none"> <li>Any situation in which a district employee, either for himself/herself or some other person(s), attempts to promote a private or personal interest that interferes with the objective exercise of his/her district duties or for gain/advantage by virtue of his/her position in the district.</li> </ul>
<a href="#">5225/5225P</a>	Technology	Use of technology is to improve performance and achievement for all students and employees, and increase productivity and efficiency in day-to-day operations.	<ul style="list-style-type: none"> <li>Provides for employee access to job-appropriate technologies and outlines expectations for appropriate use of available technology.</li> </ul>
<a href="#">5253/5253P</a>	Maintaining Professional Staff/Student Boundaries	All employees will maintain the highest professional, moral and ethical standards in interactions with students.	<ul style="list-style-type: none"> <li>When an employee's behavior has no legitimate educational purpose, has the potential to abuse the relationship between the employee and the student, or violates legal and ethical standards of care.</li> </ul>

<a href="#">5270</a>	Disciplinary Action and Discharge	The superintendent or designee may take disciplinary action against an employee in accordance with any applicable contract or bargaining agreement or state law.	<ul style="list-style-type: none"> <li>· Staff who fail to fulfill their job responsibilities or follow the reasonable directions of their administrators, who conduct themselves on or off the job in ways that negatively impact their effectiveness on the job, or engage in certain other negative behavior and conduct, may be subject to disciplinary action or discharge.</li> </ul>
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<b>Policy/ Procedure</b>	<b>Title</b>	<b>Description</b>	<b>Situation to apply</b>
<a href="#">5320/5320P</a>	Leaves of Absence	Consistent with the law, leaves of absence for non-represented employees may be granted.	<ul style="list-style-type: none"> <li>· Outlines protocols for leaves of absence for employee groups not associated with a union, e.g. administrators and professional/technical.</li> </ul>
<a href="#">5320.9/5320.9P</a>	Family, Medical, and Maternity Leave	Family and Medical Leave will be provided for all eligible employees pursuant to its provisions and Washington state laws/regulations.	<ul style="list-style-type: none"> <li>· Applies to all employees who have worked for the district for at least twelve (12) months, and at least 1,250 hours over the previous twelve (12) months, except female employees who are eligible for leave for any period of pregnancy-related illness</li> </ul>

			or disability.
<a href="#">5406/5406P</a>	Shared Leave Program	The district has established and administers a leave sharing program in which qualified employees may donate accrued leave.	<ul style="list-style-type: none"> <li>· The purpose of the Shared Leave Program is to provide a mechanism to allow employees to donate annual (vacation) or sick leave to eligible fellow employees in a manner consistent with state law and regulations.</li> </ul>

SERIES 6000 – MANAGEMENT SUPPORT			
Policy/ Procedure	Title	Description	Situation to apply
<a href="#">6114P</a>	Gifts	Individuals and organizations in the community may wish to contribute additional supplies, equipment or monetary donations to enhance or extend the instructional program.	<ul style="list-style-type: none"> <li>· Procedure for staff to follow if money or another type of gift is donated to a school or staff member.</li> </ul>
<a href="#">6213P</a>	Reimbursement for Travel Expenses	Travel expenses incurred by employees and board members while on approved travel may be reimbursed.	<ul style="list-style-type: none"> <li>· Procedure for staff to follow during approved district travel.</li> </ul>

<a href="#">6225P</a>	Food and Beverage Consumption	Staff members and others associated with the district are expected to pay for their own food and beverages. However, under certain circumstances the district may expend funds for food and non-alcoholic beverages consumed by staff and others while in the conduct of district business.	<ul style="list-style-type: none"> <li>· Procedure for staff to follow when purchasing/providing food for school or district meetings.</li> </ul>
<a href="#">6505P</a>	Video Security on School District Grounds or Property	The district is committed to maintaining a safe and positive environment for students, staff and visitors.	<ul style="list-style-type: none"> <li>· It is necessary to use video security on district property to ensure the safety of school staff, students and visitors; to protect district property; and to aid in the enforcement of district policies, procedures and rules.</li> </ul>

Policy/ Procedure	Title	Description	Situation to apply
<a href="#">6531</a>	Care of District Property	Staff shall ensure buildings, equipment, furniture and motor	<ul style="list-style-type: none"> <li>· District provided equipment, furniture, etc. should be maintained and treated</li> </ul>

		vehicles are not abused.	with care.
<a href="#">6540P</a>	School District's Responsibility for Privately-Owned Property	The district shall not make reimbursement for loss or damage to a staff member's personal equipment or material brought to school unless evidence can be shown that it was necessary or highly desirable for use in the school program.	<ul style="list-style-type: none"> <li>· If a staff member brings personal equipment or materials for use at school, the district is not responsible for loss or damage.</li> </ul>
<a href="#">6550P</a>	Data Security and Privacy	This policy provides guidance and a framework to encourage and support the district's use of data for decision-making purposes to improve student learning, while safe-guarding the security of the data and the privacy of our students, staff and the district as an organization.	<ul style="list-style-type: none"> <li>· Staff members with access to personally identifying student information should consider themselves data users and are responsible to ensure the security of data. This procedure outlines obligations to ensure privacy of student information online following FERPA, COPPA and CIPA.</li> </ul>
<a href="#">6571P</a>	Lending of District-Owned Equipment and Books	This policy provides that school equipment may be removed from school property by students or staff members only when such equipment is necessary to accomplish tasks arising from their	<ul style="list-style-type: none"> <li>· If school equipment is to be used off the school site by a staff member, they must have prior approval from the principal and will be fully liable for loss or damage.</li> </ul>

		school or job responsibilities.	
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