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STUDENTS

Prohibition of Harassment, Intimidation, or Bullying of Students

A. Introduction

Everett Public Schools strives to provide students with optimal conditions for learning by maintaining a school environment where every one student is treated with respect, and one is students are not physically or emotionally harmed.

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

Any school staff who observes, overhears, or otherwise witnesses harassment, intimidation, or bullying of a student 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 harassesment, intimidatesion, or bullies 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.

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

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

"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.

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

C. Behaviors/Expressions

"Harassment," intimidation," and 'bullying' are separate but related behaviors directed toward students. 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 student's physical wellbeing. It can be discriminatory harassment, malicious harassment, or sexual harassment. Intimidation refers to implied or overt threats of physical violence toward a student. Bullying refers to unwanted aggressive behavior(s) by another youth student or group of youths students toward another student 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 student 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 **conduct toward students as reflected in** 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. <u>RCW 28A.640.020</u> Regulations, guidelines to eliminate discrimination—Scope—Sexual harassment policies
- 3. Chapter 28A.642 RCW Discrimination prohibition
- 4. <u>RCW 49.60.010</u> Purpose of chapter

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

E. <u>Prevention</u>

1. <u>Dissemination</u>

In each school and on the <u>district's website</u> 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 <u>district's website</u>.

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 <u>Incident Reporting Form</u> or a link to a <u>webbased process</u>.

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 <u>Incident Reporting Form</u>.

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 <u>of a student</u>. If the allegations in a written report of HIB indicate a potential violation of <u>Policy 3204</u>, 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 of a student 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 HIB 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.
- 5. Be familiar with the use of the student information system. The HIB 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 HIB compliance officer will facilitate a meeting between district staff and the child's parents/guardians to develop a safety plan to protect the student. A sample student safety plan is available on the OSPI website: www.kl2.wa.us/SafetyCenter/default.aspx.

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The district Harassment, Intimidation or Bullying Compliance Officer is: Danielle Mundell
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P.O. Box 2098
Everett, WA 98201

<u>Dmundell2@everettsd.org</u> Phone: (425) 385-4260

G. Staff Intervention

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

H. Filing an Incident Reporting Form

Incident Reporting Forms may be used by students, families, or staff to report incidents of HIB of a student. 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.)

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 <u>Policy 3204</u> 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 <u>of a student</u> shall attempt to resolve the incident immediately. If the incident is resolved to the satisfaction of the parties involved, <u>or</u> if the incident does not meet the definition of HIB, <u>or if the conduct is not directed toward a student</u>, no further action may be necessary under this procedure.

All reports of unresolved, severe, or persistent HIB <u>of a student</u> will be recorded on a district <u>Incident Reporting Form</u> 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 <u>of a student</u> 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 <u>Incident Reporting Form</u> that alleges unresolved, severe, or persistent HIB <u>of a student</u>, 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, targeted student, and/or the alleged aggressor. If necessary, the district will implement a safety plan (https://www.klwa.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, targeted student 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 <u>WAC 392-190-065</u> 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 <u>Incident Reporting Form</u>, 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 of a student. 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.
- e. The investigation shall include, at a minimum:
 - An interview with the complainant;
 - An interview with the targeted student, if different that the complainant;
 - An interview with the alleged aggressor;
 - A review of any previous complaints involving either the complainant, the targeted student, 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 HIB 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.

Step 5: Targeted Student's Complainant'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 complainant 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 <u>of a student</u>. 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 <u>Policy 3204</u> 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 <u>Chapter 181-87 WAC</u>, 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 <u>Policy 3204</u> may include the loss of contracts.

Step 7: Support for the Targeted Student

Persons Students 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. <u>Immunity/Retaliation</u>

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 of a student. 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 <u>of a student</u>. 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

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

• Washington State Human Rights Commission 800-233-3247

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

• Office for Civil Rights, U.S. Department of Education, Region IX 206-607-1600

Email: OCR.Seattle@ed.gov

www.ed.gov/about/offices/list/ocr/index.html

 Department of Justice Community Relations Service 877-292-3804
 www.justice.gov/crt/

• Office of the Education Ombudsman

866-297-2597

Email: OEOinfo@gov.wa.gov

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 <u>Policy 3204</u> 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.

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Cross reference: <u>Board Policy 3204</u> Prohibition of Harassment, Intimidation, or

Bullying

Adopted:	March 25, 2003		
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PROPOSED: July 2023			



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Prohibition of Harassment, Intimidation or Bullying (HIB) of Students Incident Reporting Form

Reporting person (optional):		Today's date:	
Targeted student(s):			
Your email address (optional):			
Your phone number (optional):	Best way	to contact: D phone D email	
Name of school adult you've alrea	dy contacted (if any):	_	
Name of school adult you've alrea	dy contacted (if any):		
Name(s) of alleged aggressor (if kn	nown):	_	
On what dates did the incident(s)	happen (if known):		
☐ Check if this is the <u>First Incide</u>	nt. 🗖 Check if this has been <u>Ong</u>	oing. For how long?	
On what date(s) did the incident(s	a) happen (if known)?		
Where did the incident happen? Ch	neck all that apply:		
☐ Classroom ☐ Hallway ☐ Sports field ☐ Parking lot ☐ During a school activity	☐ School bus ☐ Online	☐ Locker room ☐ Lunchroom☐ Cell phone☐ On the way to/from school☐	
Other (Please describe.):			
Please check below all that apply:			
☐ Hitting, kicking, shoving, spitting, hairpulling, touching, grabbing or throwing something at student	Getting another person to hit or harm the student	Physical harm or threats	
☐ Blocked movement	☐ Intimidation directed toward me	Excluding or rejecting the student	
☐ Making rude and/or threatening gestures	☐ Spreading harmful rumors or gossip	☐ Making my environment feel threatening	
☐ Making the student fearful, demanding money or exploiting	☐ Damage to my property	☐ Offensive writing or graffiti	
□ Pranks□ Name calling	☐ Disrespectful comments☐ Racial slur(s)*	Derogatory commentsGender slurs*	
☐ Sexual orientation slurs*	☐ Sexual stories/jokes*	☐ Cyber bullying (calling, texting, emailing, social media posting, etc.)	
☐ Repeated behavior	☐ Other, describe:		
Description of incident/situation (co	ontinue on another page if needed):		

^{*} The district provides several avenues for investigating such complaints under district <u>Policy 3205</u> and <u>Procedure 3205P</u> and <u>Policy 3210</u> and <u>Procedure 3210P</u>. These policies and procedures are available on the district's public <u>website</u> and will be provided to you by your student's building administrator.

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Why do you think this occu	rred?	S
Were there any witnesses? □	Yes ☐ No If yes, please provide their	names:
Did a physical injury result	from this incident(s)?	f yes, please describe.
Was the targeted student abs	sent from school as a result of the incid	ent? ☐ Yes ☐ No If yes, please
	s, texts, screen shots or other evidence oves, please describe (and attach).	of the event(s) you are
Is there any additional infor	mation you can add?	
Return I	Thank you for reporting. ncident Reporting Form to the Scho	ool Principal.
	For Internal Use ONLY	
Above report received by		Date received:
Interview conducted by		Today's date: Within 2 days of receipt
Report being made is	☐ Anonymous ☐ Confidenti	al Non-Confidential
Family of targeted student(s) notified	☐ Phone ☐ Text ☐ Email ☐ Other: _ Name/relationship:	Date: Within 2 days of receipt
Family of alleged aggressor(s) notified	☐ Phone ☐ Text ☐ Email ☐ Other: _ Name/relationship:	Date: Within 2 days of receipt
Compliance officer notified	☐ Yes Date: Check on	e: 🗆 Resolved 🗅 Unresolved
Action taken		
Investigation complete	□ Yes	Date: within 5 days of parent notification
Finding letters sent	□ Yes	Date: within 2 days of completed investigation
Paperwork sent to Compliance Officer	□ Yes	Date:
Revised: July 2013	Revised: June 2020	Revised: September 2022

September 2020

Revised:

PROPOSED: July 2023

June 2019

Revised: