

Student Rights and Responsibilities Handbook

2024-25



Our students will lead and shape the future.



View handbook online: www.everettsd.org/domain/1493



Everett Public Schools
3900 Broadway, Everett, WA 98201
425-385-4000 • www.everettsd.org

A message from the Superintendent



We believe in the power and potential of each child.

Dear Everett Public Schools families:

We understand that when you entrust your child to our schools, it is a significant responsibility. We believe in every child's potential and are committed to providing them with the inspiration, education, and preparation they need for a successful future. Our approach is through an equity lens, recognizing each child's uniqueness and providing tailored support for their success. We are dedicated to creating a safe, supportive, engaging, and inspiring learning environment for all students.

Your partnership is crucial in this endeavor. Thank you for entrusting us with your children and collaborating with us on this important journey. Together, we can pave the way for student success in both school and life.

As your partner, I urge you to:

- ☐ Emphasize the importance of regular attendance and punctuality to your children. Ensure your child attends school every day unless they are genuinely ill.
- ☐ Monitor your child's attendance and reach out to counselors or administrators if your family faces challenges in ensuring regular school attendance.
- ☐ Establish consistent bedtime and morning routine to foster good habits for success in school and beyond.
- ☐ Stay attentive to your child's emotional well-being, especially during potentially challenging times, and communicate with their teachers if you notice any sudden changes in behavior or attitudes towards school.

I promise...

- ☐ We will utilize every moment your child spends with us to foster learning in equitable, safe, and inclusive environments.
- ☐ Schools will notify you of your child's absences and work with you to encourage consistent attendance.
- ☐ We will establish and uphold consistent expectations for behavior and performance to instill good habits and responsible conduct in school and in life.
- ☐ We will communicate with you if we observe any sudden changes in your child's learning trajectory, behavior, or attitude, as we share your concern for their well-being and success.

I look forward to welcoming our students back to school and witnessing their growth, learning, and achievements in the year ahead.

Sincerely,

Dr. Ian Saltzman
Superintendent

Guiding student success

In 2020-21, the district launched a comprehensive, collaborative project to set our strategic priorities over the next five years. The focus of this work will result in six impactful outcomes that will serve our students and community for years to come. These student-focused outcomes are guided by our core values of:

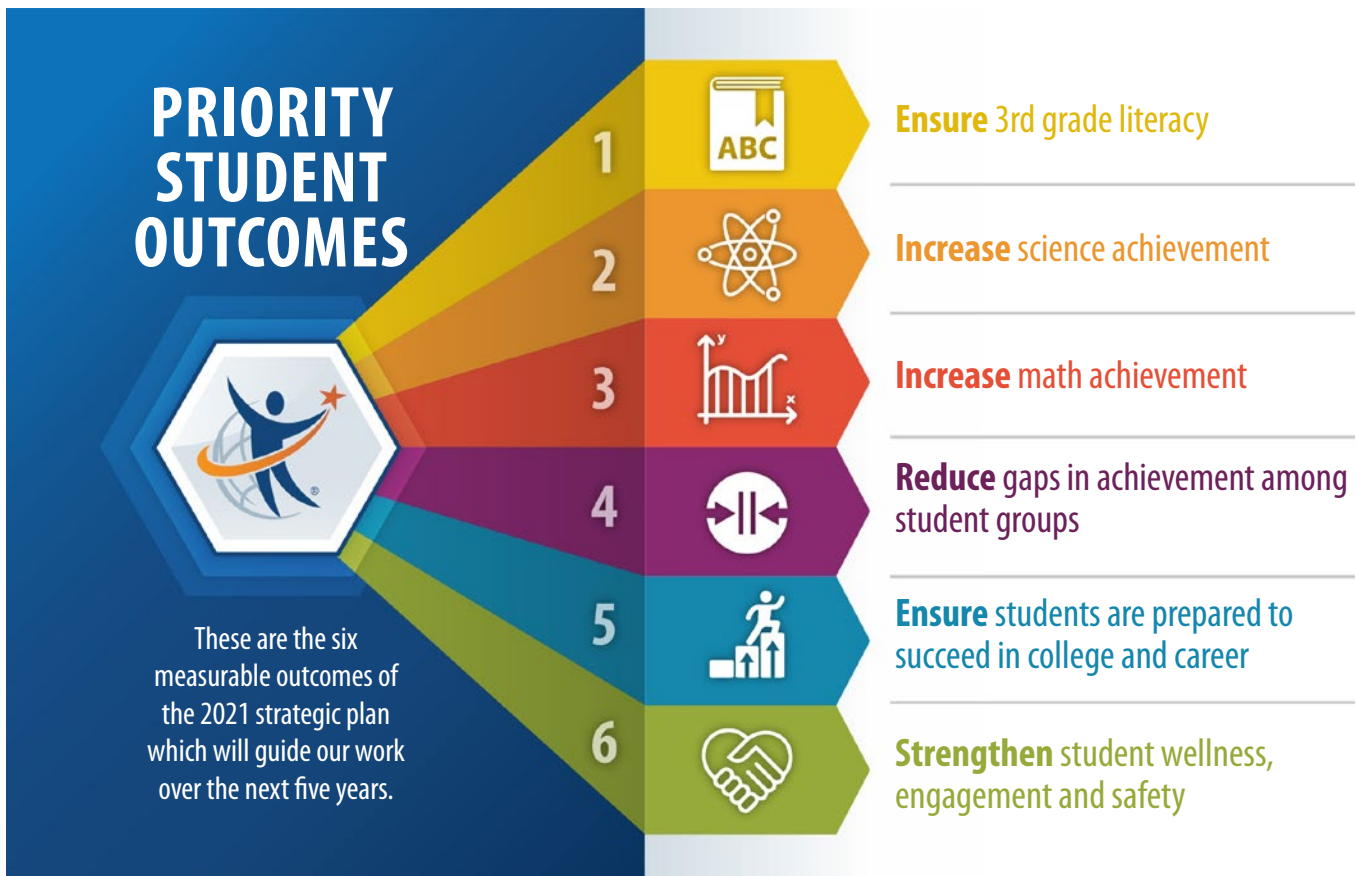
- » **Learning**
- » **Equity**
- » **Passion**
- » **Integrity**
- » **Respect**
- » **Diversity**
- » **Collaboration**

These core values guide how school staff and students interact together and with each other and are the basis for our connections with family and community. Ultimately, they are the foundation of each student's academic and social success in school and after graduation.

As these core values guide us, we are committed to achieving our six priority student outcomes.



Dr. Traci Mitchell, President
Everett Public Schools Board of Directors



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:

Assistant Superintendent Human Resources

Chad Golden
3900 Broadway, Everett 98201
425-385-4103
cgolden@everettsd.org

Title IX/Civil Rights Compliance Officer

Chad Golden
3900 Broadway, Everett 98201
425-385-4103
cgolden@everettsd.org

Section 504 Coordinator

Dave Peters
3900 Broadway, Everett 98201
425-385-4063
dpeters@everettsd.org

Gender-Inclusive Schools Coordinator

Joi Odom Grant
3900 Broadway, Everett 98201
425-385-4000
jgrant@everettsd.org

ADA Coordinator

Chad Golden
3900 Broadway, Everett 98201
425-385-4103
cgolden@everettsd.org

Harassment, Intimidation or Bullying (HIB) Compliance Officer

Danielle Mundell
3721 Oakes Avenue, Everett 98201
425-385-4260
Dmundell2@everettsd.org

Our Schools Protect Students from Harassment, Intimidation, and Bullying (HIB)

Schools are meant to be safe and inclusive environments where all students are protected from Harassment, Intimidation, and Bullying (HIB), including in the classroom, on the school bus, in school sports, and during other school activities. This section defines HIB, explains what to do when you see or experience it, and our schools' process for responding to it.

What is HIB?

HIB is any intentional electronic, written, verbal, or physical act of a student that:

- ☐ Physically harms another student or damages their property;
- ☐ Has the effect of greatly interfering with another student's education; or,
- ☐ Is so severe, persistent, or significant that it creates an intimidating or threatening education environment for other students.

HIB generally involves an observed or perceived power imbalance and is repeated multiple times or is highly likely to be repeated. HIB is not allowed, by law, in our schools.

How can I make a report or complaint about HIB?

Talk to any school staff member (consider starting with whoever you are most comfortable with!). You may use our district's [reporting form](#) to share concerns about HIB, but reports about HIB can be made in writing or verbally. Your report can be made anonymously, if you are uncomfortable revealing your identity, or confidentially if you prefer it not be shared with other students involved with the report.

No disciplinary action will be taken against another student based solely on an anonymous or confidential report.

If a staff member is notified of, observes, overhears, or otherwise witnesses HIB, they must take prompt and appropriate action to stop the HIB behavior and to prevent it from happening again. Our district also has a HIB Compliance Officer who supports prevention and response to HIB: Dani Mundell, DMundell2@everettsd.org, 425-385-4260.

What happens after I make a report about HIB?

If you report HIB, school staff must attempt to resolve the concerns. If the concerns are resolved, then no further action may be necessary. However, if you feel that you or someone you know is the victim of unresolved, severe, or

persistent HIB that requires further investigation and action, then you should request an official HIB investigation.

Also, the school must take actions to ensure that those who report HIB don't experience retaliation.

What is the investigation process?

When you report a complaint, the HIB Compliance Officer or staff member leading the investigation must notify the families of the students involved with the complaint and must make sure a prompt and thorough investigation takes place. The investigation must be completed within five school days unless you agree on a different timeline. If your complaint involves circumstances that require a longer investigation, the district will notify you with the anticipated date for their response.

When the investigation is complete, the HIB Compliance Officer or the staff member leading the investigation must provide you with the outcomes of the investigation within two school days. This response should include:

- ☐ A summary of the results of the investigation;
- ☐ A determination of whether the HIB is substantiated;
- ☐ Any corrective measures or remedies needed; and
- ☐ Clear information about how you can appeal the decision.

What are the next steps if I disagree with the outcome?

For the student designated as the "targeted student" in a complaint:

If you do not agree with the school district's decision, you may appeal against the decision and include any additional information regarding the complaint to the superintendent, or the person assigned to lead the appeal, and then to the school board.

For the student designated as the "aggressor" in a complaint:

A student found to be an "aggressor" in a HIB complaint may not appeal the decision of a HIB investigation. They can, however, appeal corrective actions that result from the findings of the HIB investigation.

For more information about the HIB complaint process, including important timelines, please see the district's [HIB webpage](#) or the district's HIB [Policy 3204](#) and Procedure [3204P](#).

Our School Stands Against Discrimination

Discrimination can happen when someone is treated differently or unfairly because they are part of a protected class, including their race, color, national origin, sex, gender identity, gender expression, sexual orientation, religion, creed, disability, use of a service animal, or veteran or military status.

What is discriminatory harassment?

Discriminatory harassment can include teasing and name-calling; graphic and written statements; or other conduct that may be physically threatening, harmful, or humiliating. Discriminatory harassment happens when the conduct is based on a student's protected class and is serious enough to create a hostile environment. A hostile environment is created when conduct is so severe, pervasive, or persistent that it limits a student's ability to participate in, or benefit from, the school's services, activities, or opportunities.

Click on the links to review the district's Nondiscrimination [Policy 3210](#) and Procedure [3210P](#).

What is sexual harassment?

Sexual harassment is any unwelcome conduct or communication that is sexual in nature and substantially interferes with a student's educational performance or creates an intimidating or hostile environment. Sexual harassment can also occur when a student is led to believe they must submit to unwelcome sexual conduct or communication to gain something in return, such as a grade or a place on a sports team.

Examples of sexual harassment can include pressuring a person for sexual actions or favors; unwelcome touching of a sexual nature; graphic or written statements of a sexual nature; distributing sexually explicit texts, e-mails, or pictures; making sexual jokes, rumors, or suggestive remarks; and physical violence, including rape and sexual assault.

Our schools do not discriminate based on sex and prohibit sex discrimination in all of our education programs and employment, as required by Title IX and state law.

Click the link to review the district's Sex Discrimination and Sex-Based Harassment of Students Prohibited [Policy 3205](#) and [Procedure 3205P.1](#).

What should my school do about discriminatory and sexual harassment?

When a school becomes aware of possible discriminatory or sexual harassment, it must investigate and stop the harassment. The school must address any effects the harassment had on the student at school, including eliminating the hostile environment, and make sure that the harassment does not happen again.

What can I do if I'm concerned about discrimination or harassment?

Talk to a coordinator or submit a written complaint. You may contact the following school district staff

members to report your concerns, ask questions, or learn more about how to resolve your concerns.

Concerns about discrimination or about sex discrimination, including sexual harassment:

Civil Rights/ Title IX Coordinator: Chad Golden, Assistant Superintendent Human Resources, 425-385-4100, CGolden@everettsd.org, PO Box 2098, Everett WA 98213

Concerns about disability discrimination:

Section 504 Coordinator: Dave Peters, Director of Student Services, 425-385-4063, DPeters@everettsd.org, PO Box 2098, Everett WA 98213

Concerns about discrimination based on gender identity:

Gender-Inclusive Schools Coordinator: Joi Odom Grant, Director Diversity, Equity, and Inclusion, 425-385-4000, jgrant@everettsd.org, PO Box 2098, Everett WA 98213

To submit a written complaint, describe the conduct or incident that may be discriminatory and send it by mail, fax, email, or hand delivery to the school principal, district superintendent, or civil rights coordinator. Submit the complaint as soon as possible for a prompt investigation, and within one year of the conduct or incident.

What happens after I file a discrimination complaint?

The Civil Rights Coordinator will give you a copy of the school district's discrimination complaint procedure. The Civil Rights Coordinator must make sure a prompt and thorough investigation takes place. The investigation must be completed within 30 calendar days unless you agree to a different timeline. If your complaint involves exceptional circumstances that require a longer investigation, the Civil Rights Coordinator will notify you in writing with the anticipated date for their response.

When the investigation is complete, the school district superintendent or the staff member leading the investigation will send you a written response. This response will include:

- ☐ A summary of the results of the investigation;
- ☐ A determination of whether the school district failed to comply with civil rights laws;
- ☐ Any corrective measures or remedies needed; and
- ☐ Notice about how you can appeal the decision.

What are the next steps if I disagree with the outcome?

If you do not agree with the outcome of your complaint, you may appeal the decision to the School Board and then to the Office of Superintendent of Public

Instruction (OSPI). More information about this process, including important timelines, is included in the district's Nondiscrimination [Procedure 3210P](#) and Sex Discrimination and Sex-Based Harassment of Students Prohibited—Grievance Procedure [Procedure 3205P.1](#).

I already submitted an HIB complaint – what will my school do?

Harassment, intimidation, or bullying (HIB) can also be discrimination if it's related to a protected class. If you give your school a written report of HIB that involves discrimination or sexual harassment, your school will notify the Civil Rights Coordinator. The school district will investigate the complaint using both the Nondiscrimination [Procedure 3210P](#) and the HIB [Procedure 3204P](#) to fully resolve your complaint.

Who else can help with HIB or Discrimination Concerns?

Office of Superintendent of Public Instruction (OSPI)

All reports must start locally at the school or district level. However, OSPI can assist students, families, communities, and school staff with questions about state law, the HIB complaint process, and the discrimination and sexual harassment complaint processes.

OSPI School Safety Center (For questions about harassment, intimidation, and bullying)

- ☐ Website: ospi.k12.wa.us/student-success/health-safety/school-safety-center
- ☐ Email: schoolsafety@k12.wa.us
- ☐ Phone: 360-725-6068

OSPI Equity and Civil Rights Office (For questions about discrimination and sexual harassment)

- ☐ Website: ospi.k12.wa.us/policy-funding/equity-and-civil-rights
- ☐ Email: equity@k12.wa.us
- ☐ Phone: 360-725-6162

Washington State Governor's Office of the Education Ombuds (OEO)

The Washington State Governor's Office of the Education Ombuds works with families, communities, and schools to address problems together so every student can fully participate and thrive in Washington's K-12 public schools. OEO provides informal conflict resolution tools, coaching, facilitation, and training about family, community engagement, and systems advocacy.

- ☐ Website: <https://www.oeo.wa.gov/en>

- ☐ Email: oeoinfo@gov.wa.gov
- ☐ Phone: 1-866-297-2597

U.S. Department of Education, Office for Civil Rights (OCR)

The U.S. Department of Education, Office for Civil Rights (OCR) enforces federal nondiscrimination laws in public schools, including those that prohibit discrimination based on sex, race, color, national origin, disability, and age. OCR also has a discrimination complaint process.

- ☐ Website: <https://www2.ed.gov/about/offices/list/ocr/index.html>
- ☐ Email: OCR@ed.gov
- ☐ Phone: 800-421-3481

Our Schools are Gender-Inclusive

In Washington, all students have the right to be treated consistent with their gender identity at school.

Our schools will:

- ☐ Address students by their requested name and pronouns, with or without a legal name change.
- ☐ Change a student's gender designation and have their gender accurately reflected in school records.
- ☐ Allow students to use restrooms and locker rooms that align with their gender identity.
- ☐ Allow students to participate in sports, physical education courses, field trips, and overnight trips in accordance with their gender identity.
- ☐ Keep health and education information confidential and private.
- ☐ Allow students to wear clothing that reflects their gender identity and apply dress codes without regard to a student's gender or perceived gender.
- ☐ Protect students from teasing, bullying, or harassment based on their gender or gender identity.

Click to review the district's Gender-Inclusive Schools [Policy 3213](#) and [Procedure 3213P](#). If you have questions or concerns, please contact the Gender-Inclusive Schools Coordinator: Joi Odom Grant, Director Diversity, Equity, and Inclusion, 425-385-4000, jgrant@everettsd.org, PO Box 2098, Everett WA 98213

For concerns about discrimination or discriminatory harassment based on gender identity or gender expression, please see the information above.

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Why this handbook?

It's all about good communication and mutual understanding. Much of this handbook includes the legal language every school district is required to share with school families. It's a "good thing" for schools and families to have equal access to the laws of the land – even though you might not read through or ever need to know all those laws. Having this document handy might be helpful if you have a question about your school and its responsibilities for helping students learn and for keeping them safe.

This handbook also includes information about what's new this year. It explains the philosophy of Multi-Tiered Systems of Support (MTSS) and how MTSS will help improve student learning, reduce discipline issues and support students' social and emotional wellbeing.

This handbook has evolved over the years, based upon the good work of a parent, student, staff and administrator committee who help develop the rights and responsibilities policies for students, families and staff.

Policies have been approved by the school board based upon those policies' support of each student's learning and fostering school environments that promote respect and safety for all.

This handbook supersedes all others which are now out of date. Policies included here may change during the school year, based upon legislative and board policy changes; those changes will be reflected in an updated version for the next school year.



Handbook information

The Student Rights and Responsibilities Handbook can be found on the district's website at www.everettsd.org/domain/1493.

The Student Rights and Responsibilities Handbook is published annually in accordance with State law by the office of Dr. Pete Misner, Regional Superintendent, Teaching and Learning. For information regarding this handbook, please contact Kellee McManus at 425-385-4023.

Notice

Pursuant to state law ([RCW 9.41.280](#)), students who possess or carry onto school premises, district/school-provided transportation, or areas of facilities being used exclusively by public or private schools any firearms, other dangerous weapons, nun-chu-ka sticks, throwing stars, air guns, or other projectiles shall be subject to expulsion. Students who with malice display what appears to be a firearm shall be subject to suspension or expulsion of up to one (1) year. Students carrying or possessing a firearm shall be subject to a one-year mandatory expulsion. The parent/guardian and appropriate law enforcement agencies will be contacted when there are firearms/dangerous weapons involved. The chief school officer may modify the expulsion of a student on a case-by-case basis. The parent/guardian has the right to appeal a suspension or expulsion.

Pursuant to state law ([RCW 28A.600.477](#)), the district has adopted policies and procedures prohibiting harassment, intimidation and bullying. Students committing acts of bullying will be subject to discipline up to and including expulsion. The policies and procedures are contained within this handbook.

Student use of tobacco and tobacco-like products including e-cigarettes and vapor devices is prohibited in district facilities or vehicles or on district property. Students will be subject to progressive discipline for violations of this policy.



Please pay particular attention to the following changes to the 2024-25 student rights and responsibilities handbook

Policy and procedure revisions/additions

- △ To comply with statute [RCW 28A.300.286](#), beginning with the 2024-25 school year, school districts must include model student handbook language developed by the Office of Superintendent of Public Instruction (OSPI). The new student handbook language builds on existing annual notice requirements for notifying the school community about discrimination, sexual harassment, harassment, intimidation, and bullying (HIB), gender-inclusive schools, and the Washington State Governor's Office of the Education Ombuds (OEO). This information is also available on the district website and each school's webpage.
- △ [Policy 3245](#) and [Procedure 3245P](#), Technology: Revisions are from the Washington State School Directors' Association (WSSDA) in consultation with the Artificial Intelligence (AI) Advisory Group and the Office of Superintendent of Public Instruction (OSPI). The widespread use of AI is rapidly changing the classroom experience for students and teachers across Washington state. As educators find themselves at the forefront of this technological revolution, guidance and resources released by OSPI are designed to support the responsible and ethical adoption of AI in classrooms.
- △ [Procedure 3319P](#), Use of Physical Restraint and Isolation with Students: Revisions comply with [SB 5315](#)—Special Education—Nonpublic Agencies. Nonpublic agencies or NPAs refers to any in-state private school/facility, or any out-of-state public or private school/facility, that a local school district may contract with to provide special education services. SB 5315 directs OSPI and school districts to play a more active role in the ongoing oversight of NPAs. The new legislation creates opportunities for the continued improvement of an important aspect of the overall system of supports available to students receiving special education services.

Updates since the August 2024 publication of this handbook

- △ [Policy 3205](#) Sex Discrimination and Sex-Based Harassment of Students Prohibited: Revisions comply with the new Title IX rules that went into effect on August 1, 2024. The new Title IX rules outline prohibitions on sex-based harassment and specific requirements for school districts to respond to complaints of sex-based discrimination. These new rules represent a shift in federal standards for how schools must respond to sexual harassment and a realignment with existing Washington sexual harassment guidelines. In addition, the title changed from "Sexual Harassment of Students" to "Sex Discrimination and Sex-Based Harassment of Students Prohibited."
- △ New [Procedure 3205P.1](#) Sex Discrimination and Sex-Based Harassment of Students Prohibited—Grievance Procedure: As with Policy 3205, this new procedure complies with the new Title IX rules. New Procedure 3205P.1 separates the grievance process from other expanded requirements relating to operations and implementation.
- △ [Procedure 3205P](#) Sexual Harassment of Students: Procedure 3205P has been renumbered to 3205P.2 and will be the operational procedure which addresses the Title IX coordinator's duties, staff roles and responsibilities, notice, training, monitoring barriers, policy, and recordkeeping. In addition, the title has changed from "Sexual Harassment of Students" to "Sex Discrimination and Sex-Based Harassment of Students Prohibited—Implementation Procedure."
- △ [Policy 3211](#) and new [Procedure 3211P](#) Pregnant and Parenting Students: Revisions to the policy and the new procedure comply with the new Title IX rules. The new regulation also has new requirements that students be provided reasonable modifications for pregnancy and related conditions, lactation spaces, and students who disclose pregnancy to any employee must be referred to the Title IX coordinator for information about pregnancy-related rights. In addition, the title of the policy changed from "Pregnant Students" to "Pregnant and Parenting Students."
- △ [Procedure 3213P](#) Gender-Inclusive Schools: Revisions clarify that complaints of sex-based discrimination or harassment based on gender identity or expression should be brought under Procedure 3205P.1.
- △ [Policy 3319](#) Use of Physical Restraint and Isolation with Students: Revisions reflect the repeal of RCW 70.96B.010 and WAC 392-400-234.

Online tip reporting system

Report it!

- Bullying
- Intimidation
- Harassment
- Weapons
- Drugs
- Other

4 easy ways:



Phone

855-637-2095



Text

Text your tip to
855-637-2095



Email

1350@alert1.us



Web

<http://everett-wa.safeschoolsalert.com>

Vector Alert

Safety is one of our district's top priorities. That is why we use Vector Alert, an online tip reporting system that allows you to report quickly, easily, and anonymously safety concerns to school officials 24/7/365:

1. Phone: 855-637-2095
2. Text: Text your tip to 855-637-2095
3. Email: 1350@alert1.us
4. Web: <http://everett-wa.safeschoolsalert.com>

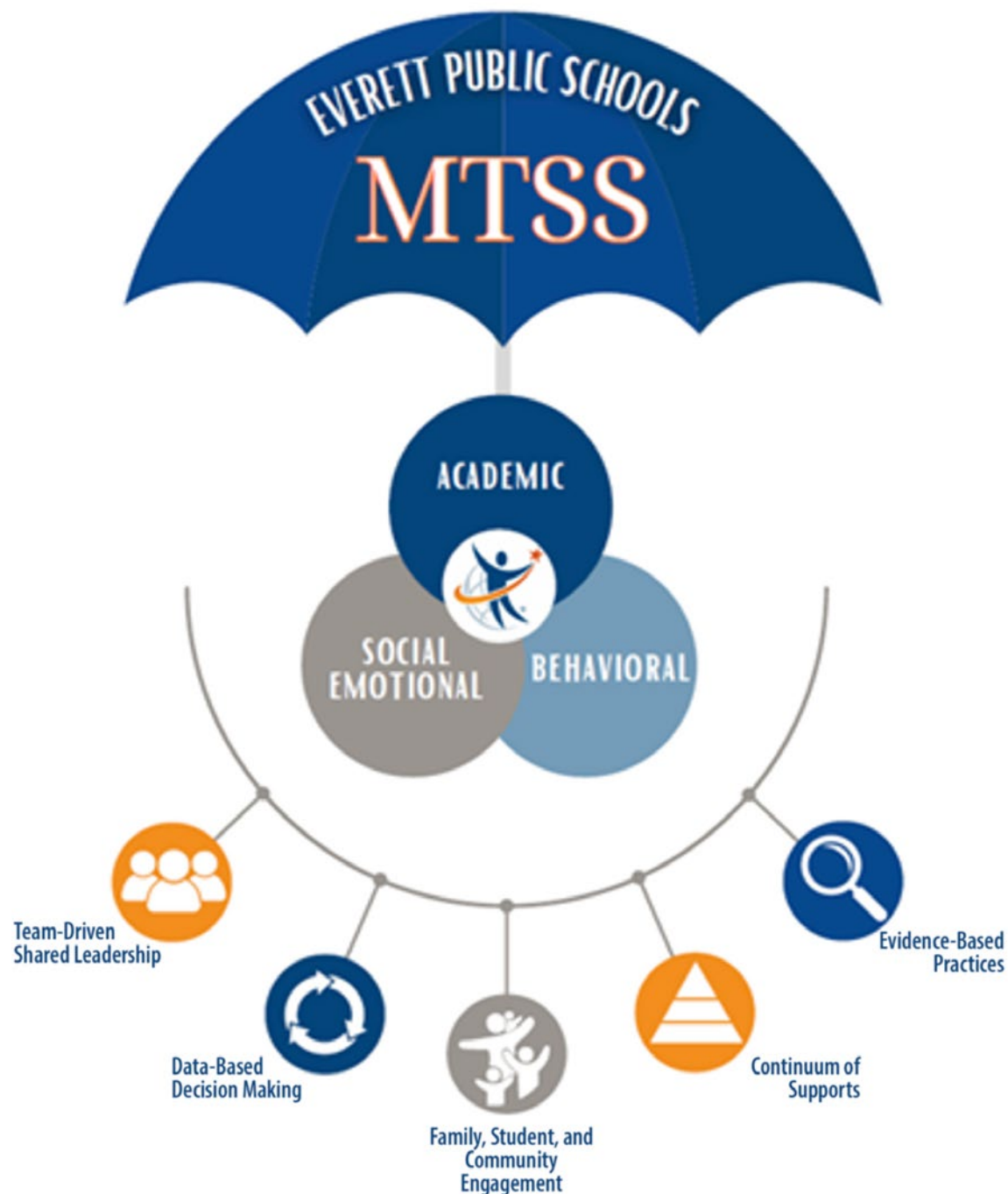
Students, staff, and parents can easily report tips on bullying, harassment, drugs, vandalism, or any safety issue that they are concerned about. Tips can be submitted anonymously online or by telephone. More information, including the Vector Alert Terms of Use and Privacy Policy, is available online at <http://everett-wa.safeschoolsalert.com>. Thank you in advance for helping to make our district and schools safer places to work and learn! We appreciate your support.

FOR EMERGENCIES PLEASE CALL 911

Multi-Tiered Systems of Student Support

Following our Everett Public Schools mission, educators in all Everett schools use a variety of instructional practices anchored to core standards in order to support student's academic, social-emotional, and behavioral growth. Since students develop at varying rates, they sometimes need additional support to help them gain essential learning. Everett Public Schools has implemented a Multi-Tiered System of Supports (MTSS) to aid schools in developing site specific-systems and strategies to meet the needs of each student. The following information is a summary of these systems.

MTSS Framework



MTSS Continuum of Supports in Academics

In a multi-tiered system of supports, tiers describe the intensity of support provided. Tiers do not define students. Schools monitor data and use teaming structures to collaboratively make decisions about how to support students needing extra assistance to learn and grow.

Tier 1 is the foundation for additional layers of support and should meet the needs of approximately 80% of the student population. Every student has equitable access to universal instruction and supports that are:

- ☐ research-based and aligned to grade-level standards;
- ☐ culturally and linguistically responsive;
- ☐ universally designed, and
- ☐ differentiated to meet their unique needs.

Tier 2 supports are an additional layer of targeted, evidence-based intervention that include:

- ☐ regular progress monitoring to assess student's response to intervention;
- ☐ explicit instruction with increased opportunities to practice and receive specific, frequent feedback;
- ☐ gradual release of control and support when students master skills, and

- ☐ increased communication with families to ensure consistency of support in school and at home (Anderson and Borgmeier, 2010; Newcomer, Freeman, and Barrett, 2013).

Tier 3 supports are an additional layer of intensive, evidence-based intervention that have been individualized to meet the needs of students who demonstrate significant need or do not respond to tier 2 interventions.

Source: Washington State Office of the Superintendent Public Instruction (OSPI)

Who to Contact?

If you believe your student may benefit from additional academic support, please contact your student's teacher to better understand your student's classroom performance. Other building contacts include your student's counselor and building administrators.

MTSS: Social and Emotional Learning (SEL)

We believe that supporting social and emotional learning for all students and adults is critical for student success. Therefore, we have made SEL a key element in our MTSS framework. Everett provides SEL supports aligned to the national Collaborative for Academic and Social and Emotional Learning (CASEL) framework and the Washington state SEL standards which inform our Tier 1 and Tier 2 supports for all students.

SOCIAL AND EMOTIONAL LEARNING (SEL) COMPETENCIES

SELF-AWARENESS

The ability to accurately recognize one's own emotions, thoughts, and values and how they influence behavior. The ability to accurately assess one's strengths and limitations, with a well-grounded sense of confidence, optimism, and a "growth mindset."

- IDENTIFYING EMOTIONS
- ACCURATE SELF-PERCEPTION
- RECOGNIZING STRENGTHS
- SELF-CONFIDENCE
- SELF-EFFICACY

SOCIAL AWARENESS

The ability to take the perspective of and empathize with others, including those from diverse backgrounds and cultures. The ability to understand social and ethical norms for behavior and to recognize family, school, and community resources and supports.

- PERSPECTIVE-TAKING
- EMPATHY
- APPRECIATING DIVERSITY
- RESPECT FOR OTHERS

RESPONSIBLE DECISION-MAKING

The ability to make constructive choices about personal behavior and social interactions based on ethical standards, safety concerns, and social norms. The realistic evaluation of consequences of various actions, and a consideration of the well-being of oneself and others.

- IDENTIFYING PROBLEMS
- ANALYZING SITUATIONS
- SOLVING PROBLEMS
- EVALUATING
- REFLECTING
- ETHICAL RESPONSIBILITY

SELF-MANAGEMENT

The ability to successfully regulate one's emotions, thoughts, and behaviors in different situations — effectively managing stress, controlling impulses, and motivating oneself. The ability to set and work toward personal and academic goals.

- IMPULSE CONTROL
- STRESS MANAGEMENT
- SELF-DISCIPLINE
- SELF-MOTIVATION
- GOAL SETTING
- ORGANIZATIONAL SKILLS

RELATIONSHIP SKILLS

The ability to establish and maintain healthy and rewarding relationships with diverse individuals and groups. The ability to communicate clearly, listen well, cooperate with others, negotiate constructively, and seek and offer help when needed.

- COMMUNICATION
- SOCIAL ENGAGEMENT
- RELATIONSHIP BUILDING
- TEAMWORK



Tier 1 Social and Emotional Learning

Students are directly taught key SEL aligned to the [CASEL](#) through Second Step curriculum developed by the Committee for Children. [Second Step](#) lessons explore all the key competencies within the CASEL framework and provide students with opportunities to problem-solve social scenarios, relationship skills and emotional regulation with the context of classroom-based lessons rich in student discussion. These lessons are taught by the classroom teacher and may be supported by the school-counselor. Explore [Second Step K-5](#) and [Middle School SEL](#).

[RULER](#) is an SEL framework centered around the emotional intelligence skills of Recognition, Understanding, Labeling, Expression, and Regulation. The RULER skills are incorporated within four anchor tools that include the Mood Meter, the Meta-Moment, the Charter, and the Blueprint (restorative practices).

Tier 2 Social and Emotional Learning

While all students receive classroom based SEL lessons taught by the classroom teacher, some students may benefit from extra support in the form of small group lessons to reinforce, reteach or practice SEL competencies. These students may be recommended for Tier 2 interventions such as a short-term targeted SEL group.

Who to Contact?

If you believe your student would benefit from Tier 2 support, please contact your student's teacher and/or school counselor to discuss your concerns and observations.

MTSS: Behavior Systems

What PBIS is

Everett Public Schools utilize the PBIS (Positive Behavioral Intervention Support) model to help ensure schools are safe places to learn, work and grow together. PBIS practices help schools be welcoming places for each student's learning, social development, and life-long success.

PBIS school systems ensure students learn about positive, successful behavior, just as they do about math, science, reading and other academic subjects. In a school hallway, you might see brightly colored signs calling out positive behaviors – BE SAFE, BE RESPECTFUL, BE RESPONSIBLE for example.

In PBIS schools, everyone knows what positive behavior looks like at all times and in all places – in a classroom, in the hallways, on the school bus, in the lunchroom. Behavior expectations are the same for each student. PBIS schools balance individual rights with civic responsibilities by setting expectations for behavior which will help students be successful in school, in our communities and in society as future responsible citizens.

What PBIS is not

PBIS is a "framework," not a curriculum. This means the basic philosophy of encouraging, supporting and teaching positive behavior can be adapted to work in different schools in different areas and at different grade levels.

Staff in Everett Public Schools have been working to personalize the framework so it works in our schools, with our students, and with our families. Specific practices, strategies, or rewards may be different in different schools and at different grade levels, but the goal is the same. Our schools are to be safe places in which students can learn and grow together to become successful, responsible citizen leaders of the future.

How does PBIS work?

PBIS includes three tiers:

1. **In Tier 1**, everyone, students, and staff learn schoolwide behavior expectations – for example being respectful and kind to each other. Positive behavior is reinforced and recognized in many ways such as with incentives or awards.
2. **Tier 2**, is an additional layer of targeted support. While all students learn schoolwide expectations taught by the classroom teacher, some students may benefit from extra support in the form of small group lessons to reinforce, reteach or practice these expectations.
3. **Tier 3** supports are an additional layer of intensive, evidence-based intervention that have been individualized to meet the needs of students who demonstrate significant need or do not respond to tier 2 interventions.

Who to Contact?

If you believe your student may benefit from behavioral support, please contact your student's teacher, school's administrator and/or counselor for more information about the processes at your student's school.

Resolution No. 1237

EVERETT SCHOOL DISTRICT NO. 2

Affirming our Commitment to Condemning Racism and Supporting Peaceful Protest

A RESOLUTION of the Board of Directors of Everett Public Schools in response to the death of George Floyd, condemning racism and supporting peaceful protest.

WHEREAS, on May 25, 2020 the life of George Floyd was tragically taken by four Minneapolis police officers; and

WHEREAS, the unjust death of George Floyd has highlighted the continued racism and unequal justice that still exists in our nation; and

WHEREAS, the students of Everett Public Schools have been exposed to this traumatic event through graphic visual displays of people in positions of authority committing violent crimes; and

WHEREAS, the subsequent public displays of both peaceful and violent demonstrations throughout our country, as well as displays of unprovoked violence by law enforcement at those demonstrations, have impacted the students and staff of Everett Public Schools; and

WHEREAS, the Board of Directors recognizes its responsibility to provide an environment which educates and teaches our students that we can and must uphold the rights and dignity of all members of our communities, and we must never enable those who would act otherwise; and

WHEREAS, as educators and educational leaders we are committed to action in assisting the Everett Public Schools community to process these events within our core values of Equity, Diversity, Collaboration, Respect, Integrity, Passion and Learning; and

WHEREAS, as we move forward and continue striving for social justice and racial equity, let these words by Rev. Martin Luther King Jr. be on the forefront of our minds “Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate; only love can do that.”

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors reemphasizes the importance of its board policies and the associated administrative procedures focused on each student’s equitable access to education:

1. Mourns the death of George Floyd and joins the call for justice;
2. Supports Black students, staff and families during this time of turmoil;
3. Supports those in Everett Public Schools who wish to protest peacefully without fear of intimidation;
4. Does not support returning hate with hate or violence with violence;
5. Condemns acts of violence and damage to public and private property;

6. Commits to finding actionable ways to make our school district more just for everyone; and
7. Stands proudly for racial equality and safety for all of our students and staff; and

BE IT FURTHER RESOLVED, does hereby charge the superintendent to strengthen anti-racism and equity policies and training for all staff and students.

ADOPTED this 9th day of June, 2020, and authenticated by the signatures affixed below.

ATTESTED BY:

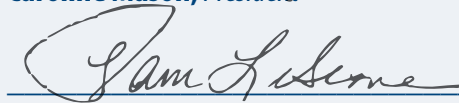


Ian B. Saltzman
Secretary, Board of Directors

EVERETT SCHOOL DISTRICT NO. 2
Snohomish County, Washington



Caroline Mason, President



Pam LeSesne, Vice President



April Berg, Director



Traci Mitchell, Director



Andrew Nicholls, Director



3900 Broadway, Everett, WA 98201
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Why school attendance matters

Students who attend school regularly are the most successful in school. Being in school builds relationships with teachers and other students. It helps students succeed academically and socially, and it prepares them for future success in life, education or training after high school and in their careers. Students who do not regularly attend school often fall behind and don't do as well as students who are in school consistently. Students with frequent absences are also less likely to graduate from high school.

- ☐ Starting in kindergarten, more than two absences per month (excused or unexcused) can cause children to fall behind in school.
- ☐ Missing 10 percent (or about 18 days per school year) increases the chance students will not read or understand math at the same level as their classmates.
- ☐ Absences can disconnect students from their teachers and friends and classmates.
- ☐ By sixth grade, absenteeism is one of three signs a student may drop out of high school.
- ☐ By ninth grade, regular school attendance is a better predictor of whether students will graduate on-time than their eighth-grade test scores.

Students might miss school for good reasons – from health issues to transportation difficulties. Many school staff can help you with the challenges of getting to school regularly or on time. Please contact your child's school counselor or administrator to talk about any barriers your family is facing that might affect your child's attendance.

What to do when your child is absent

Contact the attendance office at your child's school in writing (preferred) or phone to explain the absence within 30 calendar days from the date of the absence. Refer to this student handbook or visit the district website, www.everettsd.org, for more information about the district's attendance procedures (3122P).

School policies and state laws about attendance

State law for mandatory attendance, called the Becca Bill, requires children from age eight to 17 to attend a public school, private school, or a district-approved home school program. Children who are six or seven years old are not required to be enrolled in school. However, if parents do enroll their six- or seven-year-old child in school, the student must attend full time. Students 16 years or older may be excused from attending public school if they meet certain requirements, see <https://app.leg.wa.gov/RCW/default.aspx?cite=28A.225.225> for details.

State law requires the district to take attendance every day and to notify you when your child has an unexcused absence

The legal information below only applies if your child misses certain numbers of school days. Laws and legal language can seem unfriendly. However, these laws and legal steps are designed to help schools and families work together to help students succeed.

If your child has three unexcused absences in one month, state law ([RCW 28A.225.020](http://www.wa.gov/leg/statutes/RCW28A.225.020)) requires the district to schedule a conference with you and your child and the principal or a designee of the principal. Together, in the conference, you will talk about the reasons for unexcused absences and how to overcome them. The district must also develop a plan about how to best meet your child's educational needs and to overcome absenteeism. That plan may include an assessment of your child.

In elementary school, after five excused absences in any month or 10 or more excused absences in the school year, the district is required to contact you to schedule a conference at a mutually agreeable, reasonable time with at least one district employee. In the conference, you will work together to identify the barriers to attendance and ways to overcome them. If your child has a doctor's note, or has pre-arranged the absence in writing, and parents or guardians, student, and school have made plans so the student does not fall behind academically, such a conference is not required. If your child has an Individualized Education Plan (IEP) or a 504 Plan, the team which created the plan will reconvene.

If your child has seven unexcused absences in any month or 10 unexcused absences within the school year, the district is required to file a petition with the juvenile court, alleging a violation of [RCW 28A.225.010](http://www.wa.gov/leg/statutes/RCW28A.225.010), the mandatory state school attendance law. The petition may be automatically stayed and your child and family may be referred to a Community Engagement Board, or you and your child may need to appear in Juvenile Court. If your child continues to be truant, you may be required to go to court.

PART I.

Policies and rules affecting the status and conduct of students

Attendance

Policy 3122 ▼

Regular, consistent, timely attendance is essential to school success, student learning and future employment habits. Life-long attendance behaviors begin with entry into school at the pre-school or kindergarten level, and continue through middle school and into high school until the student graduates. When students arrive in the classroom, it is expected that they will immediately begin to prepare for the start of the day or the period, and be ready to engage in the learning process when the school day or period officially begins.

Educators and administrators have a responsibility to monitor absences to determine if students and families need support. Students are expected to attend all assigned in-person classes or participate in all assigned remote instructional activities; except when there are necessary reasons for students to be absent. Upon enrollment and at the beginning of each school year, the district shall inform students and their parents/guardians of attendance expectation, the benefits of regular school attendance, the consequences of truancy, the role and responsibility of the district in regard to truancy, and resources available to assist the student and their parents/guardians in correcting truancy. The district will make this information available online or, upon parent/guardian request, in writing. The district will make reasonable efforts to enable parents/guardians to request and receive this information in a language they can understand. Parents/guardians will be required to date and acknowledge review of this information either online or in writing at the time of enrollment and at the beginning of each school year.

It is recognized that there are rare occasions that necessitate a late arrival, early departure or legitimate excused student absence from in-person or remote learning. Teachers will keep a record of student absences and tardiness. Determination as to whether an absence is a tardy, excused or unexcused absence is made by the school in accordance with law and policy. The role of the parent or guardian is to ensure that their children attend school and to verify that the student's absence was for an excusable reason.

Tiered Response System for Student Absences

[WAC 392-401A-045](#) requires:

School districts to implement minimum requirements of a multitiered system of support for attendance to address barriers to student attendance, and provide timely interventions and best practices to reduce chronic absenteeism and truancy. Multitiered systems of support include:

- A. Monitoring daily attendance data for all students who are absent, whether the absence is excused or unexcused;
- B. A process to contact families and verify current contact information for each enrolled student that includes multiple attempts and modalities in the parent's home language;
- C. Differentiated supports that address the barriers to attendance and participation that includes universal supports for all students and tiered interventions for students at-risk of and experiencing chronic absence, including school and district attendance or engagement teams, connecting to community resources, and community engagement boards; and
- D. A process for outreach and reengagement for students who have been withdrawn due to nonattendance and there is no evidence that the student is enrolled elsewhere. This outreach and reengagement process must include:
 1. A school and/or district point person/people to maintain the list, keep it updated, and coordinate the outreach;
 2. School or district staff assigned to conduct the outreach and attempts at reengagement in coordination with community partners or other programs;
 3. Multiple methods of communication and outreach in a language or mode of communication that the parent understands including phone calls, texts, letters, and home visits;

4. Referral to community-based organizations;
5. Documentation of the attempts to reach student and family; and
6. Follow the required steps to address unexcused absences in [Chapter 28A.225 RCW](#), including early communication to parents, holding parent conferences and administering a truancy screener to understand the underlying reasons for the absences, and providing evidence-based or best practice interventions, even if the student has been withdrawn due to nonattendance.

It shall be the responsibility of principals and certificated staff to enforce the district's attendance policies and procedures.

Procedure

3122P ▼

Absence definitions

Definition of Absence from In-Person Learning

[WAC 392-401A-015](#) states:

1. A student is absent from in-person learning when the student is:
 - a. Not physically present on school grounds; and
 - b. Not participating in the following activities at an approved location during a scheduled in-person learning day:
 - i. Instruction; or
 - ii. Any instruction-related activity; or
 - iii. Any other district or school approved activity that is regulated by an instructional/academic accountability system, such as participation in district-sponsored sports.
2. A full day absence from in-person learning is when a student is absent for fifty percent or more of their scheduled day.

Definition of Absence from Synchronous and Asynchronous Instruction

1. A student is absent from synchronous online instruction when the student does not log in to the synchronous meeting/class.
2. A student is absent from asynchronous instruction when there is no evidence that the student accessed the planned asynchronous activity.

3. Evidence of student participation in asynchronous activities must occur daily, within a twenty-four (24) hour time frame of when the participation is planned or expected.

Minimum Time for Being Considered Present

The district has authority to establish minimum thresholds similar to in-person attendance for the time in which a student must be logged in to be considered present. The superintendent will develop a consistent and equitable approach that is documented in the student handbook and communicated clearly to all students and families. Determining a threshold for when a student is present or absent should not be left to individual teachers.

Presence vs. Participation

Participation, such as turning video on and participating in discussion or chat, are not to be considered when determining if a student is present or not. These are examples of participation and should be considered distinct from attendance.

Absence from Asynchronous Instruction

Similar to local determinations on what constitutes presence for synchronous online instruction, the superintendent will develop a consistent and equitable approach that establishes what constitutes "evidence of participation." This approach will be documented in the student handbook and communicated clearly to all students and families. Determining what constitutes "evidence of participation" should not be left to individual teachers.

Tardies

The district has the flexibility to determine what constitutes a tardy in synchronous online settings. The district differentiates a tardy from an absence (where the student does not attend at all) and will exclude tardies from any reports that tally absences for the purposes of filing a truancy petition.

Daily attendance taking

The district will take daily attendance for all enrolled students whether the instructional modality is in-person, synchronous, or asynchronous. When instruction is synchronous online or asynchronous, secondary schools will take attendance daily in each course with planned instruction and elementary schools will take attendance at least twice a day.

Excused and unexcused absences

Excused absences

Absences due to the following reasons must be excused:

1. Physical health or mental health symptoms, illness, health condition or medical appointment for the student or person for whom the student is legally responsible. Examples of symptoms, illness, health conditions, or medical appointments include, but are not limited to, medical, counseling, mental health wellness, dental, optometry, pregnancy, and behavioral health treatment (which can include in-patient or out-patient treatment for chemical dependency or mental health).
 - a. Extended illness or health condition. If a student is confined to home or a facility for an extended period of time, the school will arrange for the accomplishment of assignments at the place of confinement whenever practical. If the student is unable to do their schoolwork, or if there are academic requirements of a particular course which cannot be accomplished outside of class, the student may be required to take an incomplete or withdraw from the class without penalty.
 - b. Excused absence for chronic health condition. Students with a chronic health condition that interrupts regular attendance may qualify for placement in a limited attendance and participation program. The student and the student's parent/guardian will apply to the principal or counselor, and a limited program will be written following the advice and recommendations of the student's medical advisor. The recommended limited program will be reviewed and approved or denied by the principal. If the recommended limited program is denied, the principal will work with the student, their parent/guardian and medical advisor to revise the program for approval. Staff will be informed of the student's needs, though the confidentiality of medical information will be respected at the parent's/guardian's request.
2. Family emergency including but not limited to a death or illness in the family.
3. Religious or cultural purposes including observance of a religious or cultural holiday or participation in religious or cultural instruction.
4. Court, judicial proceeding, court-ordered activity, or jury service.
5. Post-secondary, technical school or apprenticeship program visitation, or scholarship interview.
6. State-recognized search and rescue activities consistent with [RCW 28A.225.055](#).

7. Absence directly related to the student's homeless or foster care/dependency status.
8. Absences related to deployment activities of a parent or legal guardian who is an active duty member consistent with [RCW 28A.705.010](#).
9. Absences due to suspensions, expulsions or emergency removals imposed pursuant to [Chapter 392-400 WAC](#) if the student is not receiving educational services and is not enrolled in qualifying "course of study" activities as defined in [WAC 392-121-107](#).

As required by law, students who are removed from a class or classes as a disciplinary measure, or students who have been placed on short-term or long-term suspension, will have the right to make up assignments or exams missed during the time they were denied entry to the classroom if the effect of the missed assignments will be a substantial lowering of the course grade.
10. Absences due to student safety concerns, including absences related to threats, assaults, or bullying;
11. Absences due to a student's migrant status; and
12. An approved activity that is consistent with district policy and is mutually agreed upon by the principal or designee and a parent/guardian or emancipated youth.
13. Absences due to the student's lack of necessary instructional tools, including internet access or connectivity.

In the event of emergency school facility closure due to COVID-19, other communicable disease outbreak, natural disaster, or other event when districts are required to provide synchronous and asynchronous instruction, absences due to the following reasons are excused:

1. Absences related to the student's illness, health condition, or medical appointments due to COVID-19 or other communicable disease;
2. Absences related to caring for a family member who has an illness, health condition, or medical appointment due to COVID-19, other communicable disease, or other emergency health condition related to school facility closures;
3. Absences related to the student's family obligations during regularly scheduled school hours that are temporarily necessary because of school facility closures, until other arrangements can be made; and
4. Absences due to the student's parent's work schedule or other obligations during regularly scheduled school hours, until other arrangements can be made.

A school principal or designee has the authority to determine if an absence meets the above criteria for an excused absence.

With the exception of item 9, the parent/guardian is expected to contact their student's school attendance office in writing or by phone to provide an explanation for a student absence within thirty (30) calendar days from the date of the absence.

If an absence is excused, the student will be permitted to make up all missed assignments outside of class under reasonable conditions and time limits established by the appropriate teacher; where reasonable, if a student misses a participation-type class, they can request an alternative assignment that aligns with the learning goals of the activity missed.

An excused absence will be verified by a parent/guardian or an adult, emancipated or appropriately aged student, or school authority responsible for the absence. If attendance is taken electronically, either for a course conducted online or for students physically within the district, an absence will default to unexcused until such time as an excused absence may be verified by a parent/guardian or other responsible adult. If a student is to be released for health care related to family planning or abortion, the student may require that the district keep the information confidential. Students thirteen (13) and older have the right to keep information about drug, alcohol or mental health treatment confidential. Students fourteen (14) and older have the same confidentiality rights regarding HIV and sexually transmitted diseases.

To contact the school in writing

Parents/guardians may contact the school in writing to provide an explanation for a student absence. Such parent/guardian written contact can be in the form of a hand-written note, sent from the parent/guardian email address, or sent by fax. The written note should contain the following information:

1. Student ID number and/or name
2. Date(s) of the absence
3. Reason for the absence
4. Parent/guardian name
5. Parent/guardian signature (for hand-written notes)
6. Parent/guardian phone number

To contact the school by phone

Parents/guardians may contact the school by phone to provide an explanation for a student absence. Such parent/guardian contact will be recorded in writing by school office staff to excuse the absence. Parents/guardians needing language assistance to provide a written note may use the district's Communication Line for Non-English-Speaking Families by calling 425-385-4011.

Unexcused absences from In-Person Learning

Any absence from in-person learning is unexcused unless it meets one of the criteria provided in [WAC 392-401-020](#).

A student will receive an unexcused absence when:

1. The parent/guardian or adult student submits an excuse statement that does not constitute an excused absence as set forth above;
2. The parent/guardian or adult student fails to submit any type of excuse statement, whether by phone, fax, email or in writing, for an absence; or
3. The parent/guardian or adult student submits an excuse statement more than thirty (30) calendar days after the absence.

Length of absence

The length of a student's daily absence per the definitions below determines if the absence will be recorded as a tardy, a partial day absence or a full day absence.

Tardy

Students are expected to be in their classrooms, in their seats, and ready to participate at the beginning of each class. Students are tardy if they arrive after the published start time or leave before the published end time for school or class. A student who is marked tardy to class is not absent unless the student otherwise meets the criteria for an absence.

Tardies shall not be converted or combined into absences that contribute to a truancy petition.

Partial day or period absence

Elementary (kindergarten through fifth grade)

At the elementary level, a tardy becomes a partial day absence if the student has missed more than thirty (30) minutes and less than 50% of their school day.

Secondary (middle and high schools)

At the secondary level, if the student arrives late to class or leaves early they will be marked as tardy. A tardy becomes a period absence if the student has missed 50% or more of the instructional minutes of the period.

Full day absence

A full day absence is defined as a student missing 50% or more of their scheduled school day.

Elementary

At the elementary level, a student's attendance will be recorded as a full day absence when the student has missed 50% or more of their scheduled school day. On a regularly scheduled school day, there are 6.5 total hours per day.

Secondary

At the secondary level, a student's attendance will be recorded as a full day absence when the student has missed 50% or more of their scheduled periods for that school day. On a regularly scheduled school day, there are seven (7) periods in middle school and six (6) periods in high school.

Prearranged absences for vacations or travel

Families should not schedule vacations or travel while school is in session. If a family vacation or travel must occur while school is in session, it must be prearranged prior to the absence and approved by the principal or designee pursuant to item 12 above. The principal or designee may excuse up to five (5) school days for a prearranged absence per student each school year. Assignments requested for a prearranged absence will be provided to the student or parent/guardian if requested five (5) school days prior to the absence.

Response to student's failure to attend school

Notice to parent/guardian

If a student fails to attend school, the student's parent/guardian will be informed by a notice in writing or by telephone whenever the child has failed to attend school after one (1) unexcused absence within any month during the current school year. The school shall inform the parent/guardian of the potential consequences of additional unexcused absences. If the parent/guardian is not fluent in English, the school must make reasonable efforts to provide this information in a language in which the parent/guardian is fluent.

Required conference for elementary school students

In the event that a student in elementary school is required to attend school under [RCW 28A.225.010](#) or [RCW 28A.225.015\(1\)](#) and has five (5) or more excused absences in a single month during the current school year, or ten (10) or more excused absences in the current school year, the district shall schedule a conference or conferences with the parent/guardian and student at a reasonably convenient time for all persons included for the purpose of identifying barriers to the student's regular attendance and the supports and resources that may be made available to the family so that the student may regularly attend school. The conference must include at least one (1) district employee such as a nurse, counselor, social worker, teacher, or community human services provider,

except in those instances regarding the attendance of a child who has an individualized education program (IEP) or a plan developed under section 504 of the rehabilitation act of 1973, in which case the reconvening of the team that created the program or plan is required.

A conference is not required if:

1. Written notice of the prearranged excused absence was provided to the principal (or designee); or
2. If a doctor's note was provided and an academic plan was in place to ensure the student did not fall behind while absent.

If a regularly scheduled parent-teacher conference day is to take place within thirty days (30) of the absences, the district may schedule the conference on that day.

Required conferences for all students relating to unexcused absences

After one unexcused absence within any month during the current school year, the school shall inform the student's parent/guardian by a notice in writing or by telephone whenever the student has failed to attend school and of the potential consequences of additional unexcused absences. If the parent/guardian is not fluent in English, the school must make reasonable efforts to provide this information in a language in which the parent/guardian is fluent.

After three (3) unexcused absences within any month of the current school year, the school shall hold a conference with the principal or designee, parent/guardian, and student to analyze the causes of the student's absenteeism. If a regularly scheduled parent-teacher conference is scheduled to take place within thirty (30) calendar days of the third unexcused absence, the district may schedule the attendance conference on the same day. If the parent/guardian does not attend the scheduled conference, the school may hold the conference with the student and principal. However, the school shall notify the parent/guardian of the steps to eliminate or reduce the student's absences.

At some point after the second and before the seventh unexcused absence, the district will take data-informed steps to eliminate or reduce the student's absences. In middle school and high school, these steps must include application of the Washington Assessment of the Risks and Needs of Students (WARNS) or other assessment by the district's designated employee.

For any student with an existing IEP or 504 plan, these steps must include convening the student's IEP team or 504 team, including a behavior specialist or mental health specialist where appropriate, to consider the reasons for the student's absences. If necessary, and if the student's parent/guardian gives consent, the district will conduct a functional behavior assessment and will complete a detailed behavior plan to explore the function of the absence behavior.

For any student who does not have an IEP or 504 Plan, but who is reasonably believed to have a mental or physical disability or impairment, these steps will include informing the student's parent/guardian of the right to obtain an appropriate evaluation at no cost to the parent/guardian to determine whether the student has a disability or impairment and needs accommodations, special education services, or related services.

This includes students with suspected emotional or behavioral disabilities. If the school obtains consent to conduct an evaluation, time should be allowed for the evaluation to be completed, and if the student is found to be eligible for accommodations, special education services, or related services, a plan will be developed to address the student's needs.

The district will designate a staff member to apply the WARNS and, where appropriate, provide the student with best practice or research-based interventions consistent with WARNS. As appropriate, the district will also consider:

1. Adjusting the student's school, program or course assignments;
2. Providing the student more individualized or remedial instruction;
3. Providing appropriate vocational courses or work experience;
4. Requiring the student to attend an alternative school or program;
5. Assisting the student or parent/guardian to obtain supplementary services that might eliminate or ameliorate the causes of absence; or
6. Referring the student to a community engagement board.

After seven (7) unexcused absences

Not later than a student's seventh unexcused absence in a month, the district will:

1. Enter into an agreement with the student and parents/guardians that establishes school attendance requirements;
2. Refer the student to a community engagement board; or
3. File a petition with juvenile court (see below).

Tiered Response System for Students Absent from Remote Learning

Students who are marked absent from remote learning will receive interventions and services consistent with the tiered response system for student absences implemented by the district pursuant to [WAC 392-401A-045](#). Under the tiered response system, the district will:

- ☐ Monitor daily attendance data for all students who are absent from remote learning, whether excused or unexcused;
- ☐ Make multiple attempts to contact the families regarding student absences using multiple modalities and in the parent's home language;
- ☐ Provide daily notification of absences to parents;
- ☐ Provide outreach from the student's school to determine student needs, such as basic needs, connectivity and hardware, connection with health and social services as necessary;
- ☐ Provide differentiated supports to students that address the barriers to attendance and participation, including universal supports for all students and tiered interventions for students at-risk of and experiencing chronic absence; and
- ☐ When feasible and appropriate, transition students to full-time in-person learning or other program to accommodate the student's needs.

Petition to juvenile court

For students under the age of seventeen (17), **no later than the seventh (7th) unexcused absence within any month during the current school year, and no later than the fifteenth unexcused absence during the current school year**, the district will file a petition and supporting affidavit for a civil action in juvenile court alleging violation of the State's school attendance laws.

The petition will contain the following:

1. A statement that the student has unexcused absences in the current school year;
2. An attestation that actions taken by the district have not been successful in substantially reducing the student's absences from school;
3. A statement that court intervention and supervision are necessary to assist the district to reduce the student's absences from school;
4. A statement that [RCW 28A.225.010](#) has been violated by the parent/guardian, student or parent/guardian and student;
5. The petition will include the student's name, date of birth, school, address, gender, race and ethnicity, and the names and addresses of the student's parents/guardians, the languages in which the student and parent/guardian are fluent, whether there is an existing individualized education program (IEP), and the student's current academic status in school;

6. A list of all interventions that have been attempted, a copy of any previous truancy assessment completed by the student's current school/district, the history of approved best practices or research-based intervention(s) previously provided to the student by the district, and a copy of the most recent truancy information document provided to the parent/guardian;
7. Facts that support the above allegations; and
8. The relief requested.

Petitions may be served by certified mail, return receipt requested, but if such service is unsuccessful, personal service is required. At the district's choice, it may be represented by a person who is not an attorney at hearings related to truancy petitions.

If the allegations in the petition are established by a preponderance of the evidence, the court grants the petition and enters an order assuming jurisdiction to intervene for a period of time determined by the court, after considering the facts alleged in the petition and the circumstances of the student, to most likely cause the student to return to and remain in school while the student is subject to the court's jurisdiction.

If the court assumes jurisdiction, the school district shall periodically report to the court any additional unexcused absences by the student, actions taken of the school district, and an update on the student's academic status in school at a schedule specified by the court. The first report must be received no later than three (3) months from the date that the court assumes jurisdiction.

Students found dependent pursuant to [RCW 13.34](#)

A district representative or staff member will review unexpected or excessive absences with a student who has been found dependent under the [Juvenile Court Act](#) and the adults involved with that student. Adults includes the student's caseworker, educational liaison, attorney if one is appointed, parents/guardians, foster parents or the person providing placement for the student.

The purpose of the review is to determine the cause(s) of the absences, taking into account: unplanned school transitions, periods of running from care, in-patient treatment, incarceration, school adjustment, educational gaps, psychosocial issues, and the student's unavoidable appointments that occur during the school day. The district representative or staff member must proactively support the student's management of their school work so the student does not fall behind and to avoid suspension or expulsion based on truancy.

Migrant students

If necessary, the district, parent/guardian and student are encouraged to work to create an Extended Absence Agreement with the school to decrease the risk of an adverse effect on the student's educational progress.

Students six or seven years old

Students six (6) or seven (7) years of age, who have been enrolled in the district, are required to attend school and their parents/guardians are responsible for ensuring that they attend. Parents/guardians who wish to withdraw their children before the age of eight (8), and against whom no truancy petition has been filed, may withdraw the students from school. When a six (6) or seven (7)-year-old student has unexcused absences, the district will follow the steps described above under Response to Student's Failure to Attend School.

Discipline and corrective action

1. Students shall not be absent if:
 - a. They have been suspended, expelled, or emergency expelled pursuant to [Chapter 392-400 WAC](#);
 - b. Are receiving educational services as required by [RCW 28A.600.015](#) and [Chapter 392-400 WAC](#); and
 - c. The student is enrolled in qualifying "course of study" activities as defined in [WAC 392-121-107](#).
2. A full day absence is when a student is absent for fifty percent or more of their scheduled day.

A student shall be considered absent if they are on school grounds but not in their assigned setting.

Any student who presents false evidence, with or without the consent of their parent/guardian, in order to wrongfully qualify for an excused absence will be subject to the same corrective action that would have occurred had the false excuse not been used.

All sanctions imposed for failure to comply with the attendance policies and procedures will be implemented in conformance with state and district regulations regarding discipline or corrective action.

Student transfers

In the case of a student who transfers from one district to another during the school year, the receiving district will include the unexcused absences accumulated at the previous district. The sending district will provide this truancy information for the current school year

to the receiving district, together with a copy of the WARNS assessment, any truancy documentation previously provided to the parent/guardian, and any other truancy interventions previously provided to the student. The information will include the online or written acknowledgment by the parent/guardian and student. The sending district will use the standard choice transfer form for releasing a student to a nonresident school district for the purposes of accessing an alternative learning experience program.

Community engagement board

A “community engagement board” means a board established pursuant to a memorandum of understanding (MOU) between a juvenile court and the district and composed of members of the local community in which the student attends school.

The district will designate and identify to the juvenile court and to the Office of the Superintendent of Public Instruction a staff member to assist in the recruitment of community engagement board members, coordinate district efforts to address excessive absenteeism and truancy, including outreach and conferences, establishing protocols and procedures with the court, coordinating training for members of the community engagement board, and sharing evidence-based and culturally appropriate promising practices. The district will also identify a person at each school to serve as a contact regarding excessive absenteeism and truancy.

Child Custody

Policy 3610 ▼

The board presumes that the person who enrolls a student in school is the custodial parent of the student. Parents or guardians have the two-fold right to receive information contained in the school records concerning their child and to forbid or permit the disclosure of such information to others subject to the authority granted to the custodial parent.

The board, unless informed otherwise, assumes that there are no restrictions regarding the non-custodial parent’s right to be kept informed of the student’s school progress and activities. If restrictions are made relative to the above rights, the custodial parent will be requested to submit a certified copy of the court order, which curtails this right(s).

Releases

In the absence of a court order on file with the district that restricts or prohibits any parent or other person from contact with or picking up a student from school, the student will be released to the custodial parent(s) or non-custodial parent(s) or the “contacts/release” person(s) as authorized on enrollment or update forms.

Procedure

3610P ▼

1. Non-custodial parents have the right to access their child’s classroom or school-sponsored activities for the purpose of observing the class procedure, teaching materials, and class conduct, provided this does not disrupt the classroom procedure or learning activity. If the purpose of the classroom visitation is to observe learning and teaching activities, the visitor may be asked to confer with the teacher before or after the observation to enhance understanding of the activities.
2. If restrictions are made relative to the rights of the non-custodial parent to be kept informed of his/her student’s school progress and activities, the custodial parent will submit a certified copy of the court order, which curtails this right(s). If the other parent questions these rights, the parent(s) must return to the courts for resolution.
3. Unless there are court-imposed restrictions, the non-custodial parent, upon request, will be given grade reports, notices of school activities, reports of disciplinary actions, or notices of teacher or principal conferences or summaries and will be allowed access to other educational records of the student as requested under Everett Public Schools’ Records [Board Policy 3600](#).
4. Unless the custodial parent provides the school with a certified copy of a court order restricting or prohibiting the student’s contact with the non-custodial parent, a student shall be released to the custodial parent(s) or the non-custodial parent(s) or the “contacts/release” person(s) as authorized on enrollment or update forms.

Visits

Absent court-ordered restrictions, the non-custodial parent may interact with his/her child during a visit to the school provided there is no disruption to the educational process or school procedures. The principal is responsible for verifying the parent’s

identity. Preferred identification is an entry in the student records system and picture identification. As a courtesy, the principal should notify the custodial parent as soon as practical if such a visit occurred.

Releases

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 remove his/her child from the school premises. ([RCW 28A.605.010](#)—Removing child from school grounds during school hours.)

Compulsory Attendance

Policy 3120 ▼

Parents/guardians of any child eight years of age and under eighteen years of age shall cause such child to attend school and such child shall have the responsibility to and therefore shall attend for the full time when such school may be in session unless the child is attending an approved private school or education center or is receiving home-based instruction.

Exceptions may be granted by the superintendent for a child who is sixteen years of age or older if the child:

1. Is regularly and lawfully employed and the parent agrees the child should not be required to attend school,
2. Has met graduation requirements, or
3. Has received a certificate of educational competence.

As required by law, the district shall notify a child's parent/guardian and petition the court when a child required to attend school fails to attend school without valid justification. The district shall inform students and parents annually about these compulsory attendance requirements.

Distribution of Materials

Policy 3222 ▼

Students may distribute student publications or other materials on school premises in accordance with procedures developed by the superintendent. Such procedures may impose limits on the time, place, and manner of distribution.

Students responsible for the distribution of material that leads to a substantial disruption of school activities or otherwise materially interferes with school operations shall be subject to corrective action, including suspension or expulsion, consistent with student discipline policies.

Persons other than students may not distribute materials on school grounds.

Procedure

3222P ▼

Distribution of materials by students shall not cause a substantial disruption of school activities or materially interfere with school operations. Students will be subject to corrective action depending on the nature of the disruption or interference resulting from the distribution of materials.

The following guidelines are in effect in each school building:

1. Materials may be distributed before or after the school day at points of entry/exit of school buildings.
2. Students may also seek permission from the school principal or assistant principal to distribute materials at other times and locations.

Diversity, Equity, Inclusion, and Belonging

Policy 0010

Everett Public Schools is a diverse, inclusive, and equitable school district where all students, employees, and volunteers, whatever their gender, race, ethnicity, national origin, age, sexual orientation or identity, education or physical, sensory, or mental ability should feel valued and respected. The district respects diverse life experiences, heritages, and values, and welcomes the many languages and dialects spoken by its students, employees, and volunteers. All students, employees and volunteers should feel safe, healthy, engaged, and supported by the district.

The district is committed to a nondiscriminatory approach and equitable outcomes for all. We acknowledge the historical role educational institutions have played in creating and implementing policies and practices that result in predictably lower academic and graduation outcomes and disproportionate disciplinary action for students of color. We recognize these disparities contradict our beliefs and values about what students can achieve, and we affirm the important role of adults

in ensuring conditions for success. We are committed to removing barriers, and to ensuring students access, opportunity, and inclusion throughout our system.

The district will work to eliminate inequitable practices aggressively and efficiently within our system. We will allocate resources to provide equitable education and environments to all children and families regardless of gender, race, ethnicity, national origin, age, sexual orientation or identity, education, or physical, sensory, or mental ability.

The board commits to:

- ☐ Provide system-wide direction, support, oversight, and shared accountability to advance equity and eliminate inequities in Everett Public Schools.
- ☐ Affirm, inspire, and serve each student in our diverse population, especially students who have been marginalized through race or other means, and students who face significant barriers.
- ☐ Create opportunities and remove barriers to identify and nurture strengths in each student and to ensure our community can in turn be strengthened by each student.
- ☐ Provide ongoing board development and learning opportunities about inequities and biases that impact students, staff, and families in our community, and about effective strategies for addressing them.
- ☐ Address inequities and biases that create feelings of fear, lack of belonging, and academic, social, and emotional barriers for students, all of which can contribute to reduced academic participation and performance.
- ☐ Ensure our policies directly address racism and occurrences of racial tension in ways that both provide positive guidelines and expectations, and that direct development of robust reporting and investigation processes.
- ☐ Ensure disciplinary actions are undertaken without bias and/or disproportionality.
- ☐ Implement hiring processes that proactively support the district's commitment to hiring, recruitment, and retention of highly qualified staff of color and that promote and honor other aspects of a diverse workforce.
- ☐ Provide professional development to staff and students in anti-racist practices, equitable practices, culturally responsive teaching practices, eliminating microaggressions, and bias awareness.
- ☐ Expect all employees to embrace equity, inclusion, and belonging, and to express these in values in workplace interactions and everyday practices.
- ☐ Develop reporting, investigation, communication, and accountability processes, particularly related to actions of racism and occurrences of racial tension or other discriminatory actions.
- ☐ Model diversity, inclusion, and belonging for all students and employees to foster an inclusive environment to achieve equitable outcomes.
- ☐ Practice and encourage transparent communication in all interactions.
- ☐ Commit time and resources to expanding more diverse leadership within our leadership, staff, and advisory bodies.
- ☐ Build a sense of community and belonging among staff to increase retention.
- ☐ Create an environment where all families have a sense of belonging and inclusion.
- ☐ Review this policy on an annual basis to ensure the commitment to equity, diversity, inclusion, and belonging remains at the forefront of our work.

This policy establishes that our district shall:

- ☐ See diversity, inclusion, and equity as connected to its mission and critical to promoting the well-being of the staff, students, and communities it serves.
- ☐ Dismantle any inequities within its policies, systems, programs, and services, and to consistently update and report on organizational progress.
- ☐ Adopt curriculum, and teaching and learning strategies, that leverage, reflect, and affirm the unique experiences and social, racial, cultural, linguistic, and familial backgrounds of the Everett Public Schools community.
- ☐ Passion: We are passionate about teaching and learning.
- ☐ Respect: We value differences among people and treat one another with respect.
- ☐ Integrity: We act in good faith, serving others with honesty and dignity. We serve as stewards of the public trust.
- ☐ Diversity: We embrace diversity as an essential asset; we are inclusive and treat our differences as a core strength.

This work is guided by the Everett Public Schools' core values that were created in partnership with our community, and are steeped in steadfast commitment to each student's success:

- ☐ Equity: We honor and support each student's right to learn and achieve.
- ☐ Learning: We believe each student can learn and achieve to high standards.
- ☐ Collaboration: We believe in learning and working together, the value of diverse views, and the power of collective wisdom.

Freedom of Assembly

Policy 3223 ▼

Individual students and student organizations may meet in school rooms or auditoriums, or at outdoor locations on school grounds, to discuss, pass resolutions and take other lawful action respecting any matter which directly or indirectly concerns or affects them, whether or not it relates to school. Such activities shall not be permitted to interfere with the normal operation of the school.

Peaceful demonstrations are permissible, though they are to be held in places and at times designated by the principal so as to maintain order and safety on the school campus, to avoid interference with school operations, and to avoid obstructing the ingress to and egress from school facilities or school roadways.

Freedom of Expression

Policy 3220 ▼

The free expression of student opinion is an important part of education in a democratic society. Students' verbal and written expression of opinion on school premises is encouraged so long as it does not substantially disrupt the operation of the school or otherwise violate district policy or procedure. Students are expressly prohibited from the use of vulgar and/or offensive terms in classroom or assembly settings.

The superintendent shall develop guidelines assuring that students are able to enjoy free expression of opinion while maintaining orderly conduct of the school. Such procedures shall impose limits on the time, place, and manner of such expression.

Students whose expression causes a substantial disruption of school activities or otherwise materially interferes with school operations shall be subject to corrective action, including suspension or expulsion, consistent with student discipline policies.

Procedure

3220P ▼

The principal shall have the authority and responsibility to monitor student oral and written expression. Students who violate the standards established by [Policy 3220](#) and this procedure or [Chapter 28A.600 RCW](#) will be subject to corrective action.

The following guidelines will apply.

1. Student expression will be restricted:
 - a. Where there is evidence which reasonably supports a forecast that the expression is likely to cause material and substantial disruption of, or interference with, school activities, when disruption or interference cannot be prevented by reasonably available, less restrictive means; or
 - b. Where such expression unduly impinges upon the rights of others.
 - c. The forecast shall be based on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension.
2. Student expression will not be permitted if it would be in violation of the federal communications act or applicable federal communication commission rules or regulations, or otherwise in violation of district policies regarding lewd, vulgar, obscene, profane, and indecent conduct or communication.
3. Libelous or slanderous student expression is prohibited. Libelous material shall be defined to include defamatory falsehoods about public figures or governmental officials. In order to be libelous, the defamatory falsehood must be made with actual malice; that is, with knowledge that it is false, or with reckless disregard of whether it was false or not.
4. Student expression that involves an unwarranted invasion of privacy will not be permitted. Such occurrences may include: exploitation of one's personality; publications of one's private affairs with which the public has no legitimate concern; or, wrongful intrusion into one's private activities in a manner that may cause mental suffering, shame or humiliation to a reasonable person of ordinary sensibilities.
5. Student expression that incites the commission of unlawful acts on school premises, the violation of law, or the violation of lawful district policies and procedures is prohibited.

6. Student expression that constitutes discriminatory disparagement under [Chapter 28A.642 RCW](#) or violates the district's policy or procedure related to the prohibition of harassment, intimidation or bullying of students or nondiscrimination is discrimination or prohibited.

Locations and times for student expression or distribution of publications shall be predetermined by the principal at each school building so as to maintain order and safety on the school campus, to avoid interference with school operations, and to avoid obstructing the ingress to and egress from school facilities or school roadways. In the absence of such a designation, the locations will be at points of entry/exit of school buildings before or after the school day.

Gender-Inclusive Schools

Policy 3213 ▼

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 Gender-Inclusive Schools Coordinator will be communicated throughout the district. The district Gender-Inclusive Schools Coordinator 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 ▼

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 consider whether safety concerns are present for the student.

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.

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.

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](#)). Parents have the right under FERPA to request their student's records and if requested, the district will provide the student's

educational records to the parent according to [Policy 3600](#) and [Procedure 3600P](#), Student Records. 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 other school personnel, other students, or the parents of other students, 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:

- ☐ 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 Gender-Inclusive Schools Coordinator.

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.

Interscholastic Athletics/ Activities

Policy 2151 ▼

The board recognizes the value of a program of interscholastic activities as an integral part of the total school experience for all students of the district and the community. A program of interscholastic activities shall be established which includes games, sport competitions or exhibitions for eligible individual students or teams of eligible students. Eligible students and teams may compete with others from this or other districts. Participation in interscholastic activities is a privilege and not a right. Students may be excluded from participation for violations of program rules or requirements.

All interscholastic activities and events shall be in compliance with the rules and regulations of the Washington Interscholastic Activities Association (WIAA). The eligibility requirements for student participation shall meet or exceed WIAA standards. The schools of the district shall not participate in any out-of-season athletics that are not sanctioned by the WIAA. The district shall not be responsible or liable for non-school-sponsored

programs or for programs that are organized, promoted or participated in by staff members without school approval. The district shall not be responsible for or incur liability for summer and/or out-of-season activities unless specifically sponsored by the school district.

The superintendent or designee shall develop procedures for the conduct of the interscholastic activities program including, but not limited to, academics; use, possession, or distribution of alcoholic beverages; use, possession, or distribution of tobacco; use, possession, or distribution of illegal chemical substances (including marijuana/cannabis) or drugs not prescribed by a physician for the user; curfew; unsportsmanlike conduct; absence from practice; gambling; or any infraction of civil or criminal law. Rules and disciplinary actions related to rule violations shall be distributed to each participant and his/her parents prior to the beginning of an interscholastic activity season. Rules and consequences for drug, alcohol and tobacco use, possession, or distribution shall be in effect year-round.

Procedure

2151P ▼

The interscholastic athletic program, including cheerleading and dance (collectively referred to in this procedure as "athletes"), of the Everett School District is designed to help our students become better school, community, state and national citizens and leaders. While the academic programs of our schools are of paramount importance, we believe participation in an athletic program affords opportunities, training and experience not ordinarily obtainable in the regular curriculum.

All students are invited and encouraged to take part in this voluntary program. Because it is a privilege to represent a school in interscholastic activities, the school shall have the authority to revoke the privilege when students do not meet the standards set forth. Because the program is voluntary, all students desiring the advantages of participation in the interscholastic athletic program, including cheerleaders and dancers, should be prepared to follow all rules and regulations as determined by the coaching staff, school administration and school board. Those who fail to comply with rules and regulations will not be permitted to participate in the program.

Nondiscrimination

The district will not exclude any person from participation in the interscholastic program, deny any person the benefits of such a program or otherwise discriminate against any person in any interscholastic program on the basis of the categories identified in [Board Policy 3210](#), Nondiscrimination.

The district will provide necessary funds for co-curricular and athletic activities for both sexes, although the aggregate expenditures are not required to be equal for members of each sex and expenditures for separate male and female teams are not required to be equal.

When individual students with disabilities are unable to participate in existing activities even when offered reasonable modifications and necessary accommodations, aids or services, the district may offer opportunities for students with disabilities to participate in separate or different recreational or athletic activities.

The district may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport. However, when the district operates or sponsors a team in a particular sport for members of one sex but not the other and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try out for the team offered.

The district will provide equal athletic opportunities for both sexes within each school for interscholastic, club or intramural athletics. In determining whether equal athletic opportunities for both sexes are being provided, the district will consider the following factors:

1. Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;
2. Provision of equipment and supplies;
3. Scheduling of games and practice time, including the use of playfields, courts, gyms and pools;
4. Travel and per diem allowances, if any;
5. Opportunity to receive coaching and academic tutoring;
6. Assignment and compensation of coaches, tutors, and game officials;
7. Provision of locker rooms and practice and competitive facilities;
8. Provision of medical and training facilities and services, including the availability of insurance;
9. Provision of housing and dining facilities and services, if any; and
10. Publicity and awards.

Annual athletic program evaluation

The district will evaluate its intramural and interscholastic program in each school at least once each year to ensure that equal opportunities are available to members of both sexes with respect to participation in interscholastic and/or intramural programs. The evaluation will include consideration for the factors listed in the above paragraph, Nondiscrimination.

Student athletic interest survey

Every three (3) years, the district will administer to each school that operates interscholastic, intramural and other athletics the survey developed by the office of the superintendent of public instruction to determine male and female student interest in participation in specific sports. The district will consider the survey results when planning and developing co-curricular and athletic activities offered by the district and when determining whether equal opportunities are available to members of both sexes.

Medical insurance

Each student participating in the interscholastic athletic program or cheerleading or dance is required to have or obtain medical insurance for expenses incurred as a result of injuries sustained while participating in the program. Students shall provide evidence of coverage with a minimum coverage of \$25,000 in medical expenses or shall obtain such coverage through the insurance plan offered to all students participating in the district's athletic program. No student will be denied the opportunity to participate solely because the student's family, by reason of low income, is unable to pay the premium for such insurance. The superintendent or his or her designee may approve partial or full waiver of the premiums to permit all students to obtain the required medical insurance.

Physical examination

Due to the physical and mental rigors associated with participation in athletic programs, all athletes must show evidence of having a current physical examination before participating.

Risks of participation

Certain risks are associated with participation in interscholastic athletics, cheerleading and dance. While the district will strive to prevent injuries and accidents to students, each athlete and his/her parent(s) or guardian(s) will be required to sign a statement which indicates that the parent(s) or guardian(s) and the

student acknowledge the risks of injuries resulting from such participation and give assurance that the student will follow the instructions of the coach.

Equipment and facilities

Coaches shall issue properly maintained and fitted equipment to interscholastic athletics participants. All district facilities and equipment utilized in the interscholastic athletic program shall be inspected on a regular basis by the building athletic coordinator and coaches. Students will return all school issued equipment in good condition. Fines shall be assessed to students for failure to return equipment or for returning equipment damaged in excess of normal use.

The district will provide separate facilities (e.g., showers, toilets, and training rooms) for male and female students or schedule the facilities equitably for separate use.

Athletic user fees

Prior to the first contest of the season, athletes must pay an athletic user fee to subsidize program costs. Students on free or reduced lunch will have this fee waived. Families may request that the building athletic coordinator partially waive the fee or be placed on a payment plan if the fee poses a financial hardship. The hardship may include the fact that the family has multiple students participating in the same season.

Refunds will be determined on a case-by-case basis. Refunds will **not** be given if a student quits the team after the first contest or if the student is dismissed for disciplinary reasons.

Payment of this fee does not guarantee playing time or a letter award at the end of the season.

Eligibility exceptions

Athletes and/or their parent (s) or guardian(s) may request exceptions to the WIAA eligibility regulations through their building athletic coordinator or designated assistant principal in cases involving hardship or extenuating circumstances. Students and/or their parent(s) or guardian(s) may request a hearing before the Northwest District 1 Eligibility Committee in order to contest the reason(s) for any alleged ineligibility under the standards established by the WIAA. Any student aggrieved by a decision of the Eligibility Committee may appeal to the Executive Board of WIAA.

Ejection from contest

First ejection of the season from a contest by a game official shall result in the ejected person (athlete, coach, other school representative) being ineligible

until after the next two (2) contests of the school at the same level of competition from which the person was ejected. Ineligibility from the second contest may be appealed to the building athletic coordinator.

Second ejection in the same sport and season shall result in ineligibility of the athlete, coach, or school representative for the remainder of the season of that sport. The severity of the penalty may be appealed to the WIAA Executive Director within two (2) school days from the second ejection upon presentation of rationale and written documentation signed by the WIAA member school principal or superintendent desiring and supporting penalty modification.

Team selection

When selecting members of a team, coaches consider the following criteria:

1. Physical strength, coordination and/or size, which, in the opinion of the coach, would endanger the safety and health of the athlete or other participants.
2. Athletic skill.
3. Available facilities, coaches, and the nature of the competition which may require a limited number of positions on a team or squad.
4. Attitude, conduct or citizenship.

Supervision of athletes while away from campus

It is the responsibility of coaches and staff members to supervise athletes at all times during a trip off campus.

1. All athletes participating in off campus trips shall be under the supervision of a staff member or athletic coach employed by the district during the entire trip. On overnight trips, responsibility for the athletes shall be 24 hours per day throughout the duration of the trip.
2. The staff member in charge shall be available to students at all times while away from school.
3. The staff member in charge shall be responsible for training and assigning specific duties and responsibilities to adult volunteers on the trip, per district policy.
4. Adult volunteers shall complete the district's volunteer information packet and be cleared to supervise students prior to departure to the event.
5. Adult volunteers will only supervise students in groups of two or more.

A written report from the staff member in charge will be submitted to the principal as requested or whenever any unique situation occurs such as an accident, injury, major incident, etc.

Travel regulations

1. Students will use district transportation to events when provided. Students transported to events on district transportation will return on district transportation. When parents or guardians wish to transport their own child from the event, they must provide, to an adult supervisor, a signed and dated document to that effect.
2. A parent or guardian who wishes to have their student transported by another adult must make such request, in writing, and be granted approval from building administration in advance.
3. All events taking place prior to 4:15 PM on school days will require district transportation for all students.
4. If an away contest takes place in the Everett School District after 4:15 PM, students may be asked by their coach to meet at the event site. Event sites include Mariner, Kamiak, Lynnwood and Glacier Peak High Schools. Students must go directly from their homes to the event site.
5. Students may transport themselves to off-site practice facilities with written permission of the parent or guardian (per [Board Policy 3241](#)).
6. All private vehicle travel authorization forms will be submitted to the building athletic coordinator or activities coordinator and kept on file in the respective office for six (6) years.
7. Staff will not direct or allow students to transport other students.

Athletic code

The following student rules (the “Athletic Code”) shall apply to all students who participate in the district’s athletic, cheer or dance programs (collectively referred to in this procedure as “athletes”). Athletes are subject to the provisions of the Athletic Code for a one-year period commencing with their participation in an athletic season. For purposes of the Athletic Code, the seasons will be determined as follows: Each season begins with the first day of scheduled participation as determined by the Washington Interscholastic Activities Association (WIAA) calendar or school program calendar and continues until the beginning of the next sport or activity season as determined by the same WIAA or school program calendar.

I. Basic conduct expectations for athletes

Because athletes perform and represent their schools in public, they are expected to conduct themselves at all times in a manner that will reflect the high standards and ideals of their activity, team, school and community and to demonstrate their non-use and non-tolerance of harmful substances. The district is committed to promoting the well-being, personal development and successful performance of all of their students.

Any athlete who willfully performs any act which materially interferes with or is detrimental to the orderly operation of a school’s athletic program (including, but not limited to, all misconduct specifically prohibited by these rules, as well as other illegal or serious misconduct) shall be subject to Athletic Code discipline. Such acts may include school or non-school activity performed either on or off campus and the discipline may include permanent removal of a participant from the athletic program.

II. Basic rules

- A. For an athlete’s violation of district and school rules, the athlete will be treated as any other student. In addition, the athlete will be penalized in accordance with the Athletic Code. Students suspended or expelled from school may not participate in athletics during the period of school exclusion.
 - B. The following rules apply to athletes. Rules 5 and 6 concerning drugs, alcohol, and tobacco apply throughout the year and are in effect even when athletes have completed their season and are not currently participating in a particular sport. Rules 5 and 6 also extend to an athlete’s conduct at all times, both on and off campus.
1. WIAA Compliance
Athletes shall comply with official WIAA rules.
 2. Team Rule Compliance
Athletes shall abide by the team/squad rules and shall obey the reasonable and lawful directives of coaches. Team/squad rules will be approved by each school’s principal or designated assistant principal and distributed by coaches at the start of each season.
 3. Pre-participation Requirements
To be eligible to try out for a team/squad, students must have been in regular school attendance as a full-time student during the semester/trimester immediately preceding the season of competition. A full-time student is a student enrolled in a minimum of five (5) of six (6) classes (high school) or six (6) of seven (7) classes (middle school). Running Start and home instruction students shall meet the eligibility requirements outlined in the WIAA handbook. All other requirements, e.g., current physical exam, medical insurance, ASB

membership, completion of forms and Athletic Code contract, and compliance with residence and other WIAA and school rules, must also be met.

4. Academic Requirements

To be eligible to compete/perform, students must:

- a. For purposes of determining initial academic eligibility, the most recent semester or trimester shall be the determining grade used. The athlete must have passed five (5) of six (6) classes in the previous semester or six (6) of seven (7) classes in the previous trimester.
- b. Be registered for, attending, and passing all classes.
- c. A non-passing grade is any grade where credit is not granted.
- d. During the season, frequent grade checks will be conducted. Athletes must be passing all classes or face academic probation or suspension. Athletes on academic probation will be permitted to practice and compete. Athletes on academic suspension will be permitted to practice, but will not be permitted to compete until they have met academic requirements.

5. Illegal Substances:

Athletes shall not be under the influence, possess, sell, deliver and/or use alcohol, any form of tobacco or illegal substances (including marijuana/cannabis). Athletes also shall not be in the presence of, or remain in the vicinity of, others illegally using alcohol or using illegal drugs or controlled substances. Athletes arriving at a party, function or other location where illegal drugs or controlled substances (including marijuana/cannabis) are being used, sold or delivered or substances (such as alcohol) are being illegally used, sold or delivered shall immediately leave the premises. Failure to immediately leave the premises will result in the same discipline as actual use.

6. Illegal Activity and Other Serious Misconduct:

Athletes may not engage in other misconduct that violates the law or brings dishonor to their team/squad, e.g., criminal violations, harassment, bullying, hazing, fighting and cheating.

III. Penalties for violation of the code

A. Imposition of Discipline

Penalties for violation of Rule II.B.3, team rules, may be imposed by head coaches in consultation with the principal or designated assistant principal. All other discipline must be imposed by the principal or designated assistant principal. Exclusion from a team/squad for the remainder of a season shall be approved by the principal or designated assistant principal.

B. Pre-participation Requirements

Penalties for violations of Rule II.B.4 shall be as follows:

- ☐ The student is not eligible to try out, practice, compete, perform, or otherwise take part in the athletic program.

C. Academic Requirements

Penalties for violations of Rule II.B.5 requirements shall be as follows:

- ☐ An athlete not satisfying Rule II.B.5 at the end of each semester/trimester shall be on **academic suspension** for the succeeding semester/trimester and shall, during this time, be ineligible from competitions/performances through the last Saturday in September in the fall, or for five (5) academic weeks in the spring, (high school) or three (3) academic weeks (middle school). If, at the end of the suspension period, the athlete shall be passing in the required number of classes, he or she may then be reinstated for practices and competition. Athletes returning from academic suspension must maintain compliance with Rule II.B.5 to maintain eligibility.
- ☐ An athlete not satisfying Rule II.B.5 as a result of school-administered grade checks during a season shall be placed on **academic probation** on the Monday following the date grades are checked. The athlete will remain eligible for practices and competitions/performances during the probationary period provided the athlete participates in daily study sessions before attending practices. After one week, the probationary athlete's grades will be checked again. If the athlete is passing all classes, the athlete will be removed from probation. If the athlete is still not passing all classes, the athlete shall be placed on **academic suspension**. The athlete will remain eligible for practices, provided the athlete participates in daily study sessions before attending practice, but not eligible for competitions or performances. **The athlete shall remain on suspension until a minimum of one game suspension is served AND the athlete is passing all classes.**
- ☐ At the conclusion of a trimester/semester, the student will maintain full academic eligibility if the student passed six (6) classes (middle school) or five (5) classes (high school).

D. Drug and Controlled Substance Violations (WIAA Rule 18.26.2)

First Violation

An athlete shall be immediately ineligible for interscholastic competition in the current sports program for the remainder of the season. Ineligibility shall continue until the next sports season in which the participant wishes to participate unless the student accesses an assistance program. All athletes violating this rule shall have two options:

1. The athlete will be ineligible for participation in contests for the remainder of that sports season and must meet with the school eligibility committee to be eligible for the next sports season. The school eligibility committee will make a recommendation to the principal or designated assistant principal. The principal or designated assistant principal will have the final authority regarding the student's participation in further sports programs.
2. The athlete may choose to seek and receive help for a problem with use of drugs. Successful utilization of school and/or community assistance programs may allow him/her to have eligibility reinstated in that athletic season, pending recommendation by the school eligibility committee and principal or designated assistant principal. Minimum suspension periods are outlined in the Alcohol Violations section of this code.

Second Violation

The penalty shall be ineligibility from all interscholastic athletic participation for a period of one (1) calendar year from the date of the second violation.

Third Violation

The penalty shall be permanent ineligibility from all interscholastic athletic participation for the remainder of the athlete's high school career (WIAA Rule 18.22.0).

E. Alcohol Violations

First Violation

A first violation of Rule II.B.6 discovered through an investigation shall result in immediate suspension for forty-two (42) calendar days or the remainder of the season, whichever is longer. This ineligibility also carries into the next season (as previously defined) in which the student participates. A student who admits wrongdoing and cooperates honestly in the investigation may have their suspension reduced to twenty-eight (28) calendar days. A student who self-reports a violation prior to any investigation or inquiry may have his/her suspension reduced to fourteen (14) calendar

days. All violations carry a minimum one game suspension. The building principal may reinstate the athlete if the athlete follows the process in III.F.

Second Violation

The penalty for a second violation of Rule II.B.6 shall be removal from all athletic participation for a period of one calendar year. The building principal may reinstate the athlete if the athlete follows the process in III.F.

Third Violation

The penalty for a third violation of Rule II.B.6 shall be permanent removal from all athletic participation for the remainder of the athlete's high school career and in the case of drugs, permanent ineligibility at all WIAA institutions for the remainder of the athlete's high school career (WIAA Rule 18.22.0).

F. Tobacco Violations

First Violation

The penalty for a first violation of Rule II.B.6 shall be immediate suspension for fourteen (14) calendar days. This may be reduced to seven (7) days if the student self-reports prior to an investigation. The building principal may reinstate the athlete if the athlete follows the process in III.F.

Second Violation

The penalty for a second violation of Rule II.B.6 shall be immediate suspension for twenty-eight (28) calendar days. The building principal may reinstate the athlete if the athlete follows the process in III.F.

Third and Subsequent Violations

The penalty for a third and subsequent violations of Rule II.B.6 shall be immediate suspension for forty-two (42) calendar days. The building principal may reinstate the athlete if the athlete follows the process in III.F.

G. Reinstatement Process

An athlete may apply for reinstatement following any form of athletic discipline by submitting the following to the principal:

1. Letter of intent and purpose of reinstatement.
2. Drug, alcohol and/or tobacco assessment by an individual agency that is acceptable to the school district. (Recommendations of approved agencies will be provided to the parent.) Results will be shared with family and school administration.
3. Proof that a drug, alcohol and/or tobacco counseling or preventative education program has been completed.
4. Treatment recommendations must be followed as a condition for reinstatement.

5. The principal may waive any or all of the requirements above if deemed appropriate. The school principal has sole discretion regarding the reinstatement of a student.

H. Out of Season Violations

If an athlete violates the athletic code out of season, the suspension will be served in the next season in which they participate on an athletic team provided that the athlete participated on that sports team the prior year. In order for a suspension for a partial season to be deemed validly served, the athlete must complete the season, in which the suspension is served, in good standing.

I. Accumulation of Violations

Any penalty assigned a participant in middle school for violation of Rule II.B.6 shall not be carried over to high school. Violations of Rule II.B.6 shall accumulate in grades 7-8 and then again in grades 9-12.

J. Illegal Activity and Other Serious Misconduct Violations

Athletes who violate Rule II.B.7 by committing criminal violations (other than drugs, alcohol, and tobacco violations) or engaging in other serious misconduct (e.g., harassment, bullying, hazing, fighting, cheating) may be excluded from participation in the athletic program for a period consistent with the seriousness of the offense. Any serious criminal behavior may be the basis for final exclusion from the athletic program for the remainder of a student's career.

IV. Athletic discipline appeals

Any athlete, parent, or guardian who is aggrieved by the imposition of discipline, including exclusion from participation in athletics, shall have the right to an informal conference with the building principal or his/her designee for the purpose of resolving the grievance. The conference must be requested within three (3) school days of the time the parent receives oral or written notice of the discipline. The employee whose action is being grieved shall be notified of the initiation of a grievance as soon as reasonably possible. During the informal conference the student, parent, or guardian shall be subject to questioning by the building principal or his/her designee and shall be entitled to question school personnel involved in the matter being grieved. Subsequent to the building level grievance meeting, the student, parent, or guardian, upon two (2) school business day's prior notice, shall have the right to present a written or oral grievance to the District Athletic Director. If the grievance is not resolved, the student, parent, or guardian, upon two (2) school business day's prior notice, shall have the right to present a written or oral grievance to the Disciplinary Appeals Council. The Council shall notify the student, parent, or guardian of its response to the grievance within ten (10) school business days after the date of the meeting. The decision of the Council is final.

The discipline action shall continue notwithstanding the implementation of the grievance procedure set forth in this section unless the principal or his/her designee elects to postpone such action.

V. Student athletic program contract

At least once a year, each athlete shall, as a precondition to participation, sign a contract covering all athletic programs. This contract applies to all athletic programs (including cheer and dance) and is in effect for a period of one calendar year from the date of signature.

Maintaining Professional Staff/ Student Boundaries

Policy 5253 ▼

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 violate 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.

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 ▼

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;
- 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 school work 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.

Dissemination of policy and reporting protocols

[Board 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.

Nondiscrimination

Policy 3210 ▼

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 Title IX / Civil Rights Compliance Officer designated to ensure compliance with this policy; and
3. The names and contact information of the district's Section 504 Coordinator and the 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 Title IX / Civil Rights Compliance Officer for this policy. The Title IX/Civil Rights 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.

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 [Chapter 28A.642 RCW](#) 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 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 Title IX / Civil Rights Compliance Officer.

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

The district's Title IX / Civil Rights Compliance Officer, assistant superintendent human resources or designee shall be responsible for monitoring and coordinating the district's compliance with [Chapter 392-190 WAC](#) 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:

Chad Golden
Everett School District No. 2
3900 Broadway
P.O. Box 2098
Everett, WA 98201
cgolden@everettsd.org
Phone: 425-385-4100

The Assistant Superintendent Human Resources is:

Chad Golden
Everett School District No. 2
3900 Broadway
P.O. Box 2098
Everett, WA 98201
cgolden@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 assistant superintendent 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 Assistant Superintendent Human Resources and forward a copy of the complaint.

The allegations of discrimination or discriminatory harassment shall:

1. be written;
2. describe the specific acts, conditions, or circumstances alleged to violate the district's policies or obligations with regard to discrimination; and
3. be filed with the Title IX / Civil Rights Compliance Officer or assistant superintendent 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 [Chapter 392-190 WAC](#) or related guidelines.

Upon receipt of the complaint, the district's Title IX / Civil Rights Compliance Officer, the assistant superintendent 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 assistant superintendent 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.

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.

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 [Chapter 392-190 WAC](#) or related guidelines;

3. If the district failed to comply with [Chapter 392-190 WAC](#) 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.

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 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.

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

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.

1. A complaint must be in writing and include:
 - a. A description of the specific acts, conditions or circumstances alleged to violate applicable anti-discrimination laws;
 - b. The complainant's name and contact information, including address;
 - c. The name and address of the district subject to the complaint;
 - d. A copy of the district's complaint and appeal decision, if any; and
 - e. 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 [Chapter 392-190 WAC](#), 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

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.

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.

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.

Nondiscrimination on the Basis of Sex in Education Programs and Activities and Title IX

Policy 2152 ▼

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 ▼

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. 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 [Board Policy 2152](#) and this procedure 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.

Non-District Provided Transportation

Policy 3241 ▼

Student driving/bicycles/wheeled recreational devices

The board regards the use of motor vehicles, bicycles and wheeled recreational devices for travel to and from school as an assumption of responsibility by parents/guardians and students. The superintendent shall develop procedures governing the use of these while on school property or while engaged in non-athletic, school activities and shall disseminate those procedures to all students so affected.

Student use of ridesharing services (e.g., Uber, Lyft)

The board recognizes that parents/guardians with busy schedules may be turning to rideshare programs, such as Uber and Lyft, to transport their students to and from school. However, students and parents/guardians should be aware that both Uber and Lyft have policies that prohibit people under the age of eighteen (18) from using their services; anyone under the age of eighteen (18) must be accompanied by an adult. When utilizing these services, the district cannot ensure the safety or security of its students. The district has no ability to conduct background checks on the drivers for these services or certify that the driver has a proper driver's or business license.

The board takes the safety and security of its students seriously, and therefore prohibits students from leaving district campuses during the school day or school sponsored events (e.g., after-school clubs, extracurricular activities, and athletics) using third-party ridesharing services, unless the student is accompanied by a parent/guardian. The district will not allow a student under the age of eighteen (18) to leave school using such a service under any circumstance, unless accompanied by a parent/guardian or by a person duly authorized in accordance with district Procedure 3441P. When a student must leave school in situations where no parent/guardian is available to transport a student home, or in emergency situations, a school administrator will arrange district-approved transportation for that student. The prohibition of the use of ridesharing services does not include transportation services that directly contract with the district such as HopSkipDrive, Everdriven, or other contracted transportation services.

Procedure

3241P ▼

Student Driving/Bicycles/Wheeled Recreational Devices

High school students may drive motor vehicles to and from school. Vehicles may not be driven during the school day for school related activities without the consent of the parent and principal. Students may not transport another student during the school day unless consent has been granted by both driver and passenger's parents.

A student may use the school parking lot subject to the following conditions:

- A. The student must possess a valid Washington driver's license or intermediate license and must register the car in the school office.
- B. Students may not occupy a vehicle (without school permission) during the school day.
- C. In terms of student conduct rules, "possession" of alcoholic beverages, illegal chemical substances or opiates, firearms or a dangerous weapon shall also extend to a student's vehicle.

When transportation is provided by the district during the school day for non-athletic, school-related activities, the student is required to use it. When transportation is not provided and the student chooses to transport himself/herself, a Private Vehicle to and from District Activities form ([3241P](#), Page 2 of 2) must be completed and submitted to the school office, e.g., job shadows, internships, and Running Start students who leave campus and return during the student day.

If the driver of the private vehicle possesses an intermediate license, he/she must have been licensed for at least six months and may transport no more than three passengers who are under the age of twenty.

Bicycles, scooters, skateboards, hoverboards and other wheeled recreational devices

Students in grades three and above are allowed to ride bicycles to and from school. Skateboards, hoverboards, scooters, roller blades and similar devices may not be ridden on district property and the district cannot be responsible for the loss or theft of these devices or any other student property. Each building will develop its own rules and procedures for disposition of wheeled recreational devices, including wheeled shoes that are brought onto the campus during school hours.

Conformance with rules

A student who does not conform to the above rules shall be subject to discipline ([Procedure 3300P](#)).

Communication

These procedures will be communicated to students and parents annually.

Personal Electronic Devices

Policy 3246 ▼

Everett Public Schools 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.

Students are responsible for the PEDs they bring to school. Everett Public Schools shall not be responsible for loss, theft, damage or destruction of devices brought onto school property or to school-sponsored activities or events off school property.

Use of personal electronic devices while on district property is considered a privilege and not a right and may be revoked at any time by a principal, assistant principal, or principal's designee. All authorized use at school shall be in compliance with district policy, school rules and applicable laws. Students will observe the following conditions:

1. Students shall not use a PED in a manner that poses a threat to academic integrity, disrupts the learning environment or violates the privacy rights of others. Disrupting the learning environment means any intentional gesture, any intentional electronic communication or any intentional written, verbal or physical act or statement initiated, occurring, transmitted or received by a student at school that a reasonable person under the circumstance should know will have the effect of:
 - a. Insulting, mocking or demeaning a student or group of students causing substantial disruption in, or substantial interference with, the orderly operation of the school; or
 - b. Creating an intimidating, threatening, hostile or abusive educational environment for a student, group of students, or staff members through substantially severe, persistent or pervasive behavior;

2. Students shall not send, share, view or possess pictures, text messages, emails or other materials depicting sexually explicit conduct, as defined in [RCW 9.68A.011](#), in electronic or any other form on a PED, while the student is on school grounds, at school sponsored events or on school buses or vehicles provided by the district;
3. When a school administrator has reasonable suspicion, based on objective and articulable facts, that a student is using a PED in a manner that violates the law, district policy, or school rules, the administrator may confiscate the PED, which will only be returned to the student's parent/guardian;
4. When a school administrator has reasonable suspicion, based on objective and articulable facts, that a search of a student's PED will reveal a violation of the law, district policy, or school rules, an administrator may conduct a search. The scope of the search will be limited to the violation of which the student is accused. Content or images that violate state or federal laws will be referred to law enforcement; and
5. Students who violate this policy will be subject to disciplinary action.
6. The superintendent shall develop procedures for the appropriate use of PEDs in Everett Public Schools.

Procedure

3246P ▼

Students will be advised at the beginning of the school year as to proper use of Personal Electronic Devices (PED) on district property.

Elementary and middle school students

Elementary and middle school students who choose to bring cell phones and other PEDs to school may only use them before or after the school day. During the school day, all cell phones and other PEDs must be powered off and stored (e.g., in the student's backpack, locker, other district provided storage).

High school students

High school students who choose to bring cell phones and other PEDs to school may only use their cell phones and other PEDs during transition periods, at lunch and before/after the school day. Students are expected to silence their cell phones and other PEDs before entering a classroom.

Exceptions

Students having an IEP, 504 Plan or Individual Health Care Plan (IHP) that includes specific accommodations for assistive technology may use a cell phone and/or PED during the school day following the process outlined in the student's IEP, 504 Plan or IHP.

Disciplinary actions

Students whose behavior is in violation of district policy will be subject to disciplinary actions up to and including suspension or expulsion and may lose the privilege of bringing a PED onto district property, including but not limited to, attending school-sponsored or school-related activities.

Law enforcement will be notified when student conduct using a PED may violate criminal laws.

Incident reporting and complaint process

Any student, staff member, parent/guardian or community member who has knowledge of conduct in violation of [Board Policy 3246](#), or any student who feels that they have been a victim of harassment, menacing, retaliation or reprisal in violation of district policy will immediately report the concerns to the building principal/designee or any district staff member. District staff shall follow the procedures for incident reporting and complaint processes in [Board Policy 3204/Procedure 3204P](#) Prohibition of Harassment, Intimidation and Bullying of Students, [Board Policy 3205](#) Sex Discrimination and Sex-Based Harassment of Students Prohibited/[Procedure 3205P.1](#) Sex Discrimination and Sex-Based Harassment of Students Prohibited—Grievance Procedure/[Procedure 3205P.2](#) Sex Discrimination and Sex-Based Harassment of Students Prohibited—Implementation Procedure, or [Board Policy 3210/Procedure 3210P](#) Nondiscrimination.

Pregnant and Parenting Students

Policy 3211 ▼

The district is committed to a positive and productive education free from sex-based discrimination as required by federal, state, and local laws for all students in its education programs and activities. These laws prohibit discrimination against any student based on their current, potential, or past pregnancy or related conditions or marital or parental status. Sex-based harassment is a form of sex-based discrimination and includes harassment on the basis of pregnancy or related conditions or marital or parental status.

The district establishes this policy and the accompanying procedure for ensuring the protection and equal treatment of students who are or become pregnant, individuals with pregnancy-related conditions, and new parents.

Pregnancy or related conditions include:

- ☐ Pregnancy, childbirth, termination of pregnancy, or lactation;
- ☐ Medical conditions related to the above; or
- ☐ Recovery from above.

The district must also not adopt or implement any policy, practice, or procedure concerning a student's current, potential, or past parental, family, or marital status that treats students differently on the basis of sex, except as necessary to provide pregnancy or pregnancy-related medical accommodations.

This commitment and discrimination prohibition 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.

The district does not engage in prohibited discrimination when it allows a student, based on pregnancy or related conditions, to voluntarily participate in a separate portion of its education program or activity, provided the district ensures that the separate portion is comparable to that offered to students who are not pregnant or parenting, and do not have related conditions.

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 notice, training, and compliance requirements are included in the accompanying [Procedure 3211P](#).

Investigation and Response/ Grievance Procedures

The superintendent will develop and implement procedures for receiving, investigating, and resolving complaints or reports of sex-based discrimination and will include reasonable and prompt timelines and delineate roles and responsibilities for such. The procedure can be found in [Procedure 3205P.1](#).

Complaints alleging discrimination or harassment based on a person's actual or perceived pregnancy status are to be taken seriously and handled in the same manner as other sex-based discrimination and harassment complaints.

If an investigation reveals that sex-based harassment

has created a hostile environment, the district will take prompt and effective steps reasonably calculated to end the sex-based harassment, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.

Allegations of criminal misconduct and suspected child abuse will be reported to law enforcement or Child Protective Services (CPS) as required by law. A criminal investigation does not relieve the district of its independent obligation to investigate and resolve sex-based harassment.

Retaliation and False Allegations

Retaliation, as defined under federal and state laws and [Procedure 3211P](#), including retaliation by a student against another student, is prohibited and will result in appropriate discipline. The district will take appropriate actions to protect involved persons from retaliation.

It is a violation of this policy to knowingly report false allegations of sex-based discrimination. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline as discussed in [Procedure 3211P](#).

This policy and the accompanying procedure will support that effort by facilitating district compliance with local, state, and federal laws concerning sex-based discrimination.

Procedure

3211P ▼

Pregnant and Parenting Students

The superintendent establishes this procedure to ensure the protection and equal treatment of pregnant persons, individuals with pregnancy-related conditions, and new parents. Nothing in this procedure should be construed to allow different treatment on the basis of sex concerning a student's current, potential, or past parental, family, or marital status, except as necessary to provide pregnancy or pregnancy-related medical accommodations.

A. Key Definitions/Terms

- ☐ "Caretaking" means caring for and providing for the needs of a child.
- ☐ "Familial status" refers to the configuration of one's family or one's role in a family.
- ☐ "Marital status" refers to the state of being married, single, or divorced.

- ☐ “Medically necessary” is a determination made by a health care provider of a student’s choosing.
- ☐ “Parental status” refers to the status of a person who, with respect to another person who is under the age of 18 or a person who is 18 or older but who is incapable of self-care because of a mental or physical disability is a biological, adoptive, foster, or stepparent; a legal custodian or guardian; in loco parentis with respect to such a person; or actively seeking legal custody, guardianship, visitation, or adoption of such a person.
- ☐ “Parental, family, and marital status discrimination” is different treatment based on one or more of those statuses. For example, treating an unmarried mother worse than a married mother, treating a married person of one sex or gender more or less favorably than a married person of another gender based on sex stereotypes, or treating a man who is married to a man worse than a woman who is married to a man.
- ☐ “Pregnancy discrimination” includes treating a pregnant student or a student with a pregnancy-related condition less favorably than similar individuals not so affected and includes a failure to provide legally mandated leave or accommodations.
- ☐ “Pregnancy and pregnancy-related conditions” include (but are not limited to):
 - Pregnancy, childbirth, false pregnancy, termination of pregnancy, miscarriage, lactation (expressing breast milk);
 - Medical conditions related to the above;
 - Recovery from above; and
 - Any other conditions in accordance with state and federal law.
- ☐ “Pregnant student/birthparent” refers to the student who is or was pregnant.
- ☐ “Reasonable modifications” mean individualized modifications to the district’s policies, practices, or procedures that are comparable to the modifications offered for any other temporary medical condition. A modification that the district can demonstrate would fundamentally alter the nature of its education program or activity is not a reasonable modification.
- ☐ “Student’s legal representative” means a parent or other person who has a legal right to act on behalf of the affected student.

B. Student Protections

The district must give all pregnant and parenting students equal access to district programs, extracurricular activities,

athletic programs, and educational opportunities. The district may not require students to change educational plans (e.g., drop out of a class or program) or deny an honor or award based on pregnancy or parental status, including valedictorian status, scholarships, participation in graduation, or election for class office or homecoming court. The district cannot expel or suspend a student for being pregnant or being a parent.

C. Specific Actions to Prevent Discrimination and Ensure Equal Access

The district must take specific actions to promptly and effectively prevent sex discrimination and ensure equal access to the district’s education program or activity once the student, or a person who has a legal right to act on behalf of the student, notifies any employee or the Title IX Officer of the student’s pregnancy or related conditions.

D. The Title IX Officer’s Responsibility

If a student (or a student’s legal representative) informs the Title IX Officer of the student’s pregnancy or pregnancy-related condition, then the Title IX Officer must inform the student or legal representative of the following:

- ☐ The district’s policy of nondiscrimination.
- ☐ The district’s obligation to provide equal access and modifications.
- ☐ The district’s confidentiality obligations under state and federal laws, and [Policy 3211](#) and this procedure.

E. Employees Must Provide Notice of the Title IX Officer

If a student (or a student’s legal representative) informs any district employee of the student’s pregnancy or related condition, the employee must promptly provide them with the district’s Title IX Officer’s contact information and also inform the affected student (or the student’s legal representative) that the Title IX Officer can coordinate specific actions to prevent pregnancy and pregnancy-related discrimination to ensure a pregnant or parenting student’s equal access to the district’s education program or activity.

Such notice does not need to be provided to the student if the employee reasonably believes that they have already been notified about the Title IX Officer.

All employees must receive training on the district’s obligations under federal, state, and local laws and regulations and district policy and procedures prohibiting sex discrimination, including those related to pregnancy or pregnancy-related conditions or marital or parental status as stated in [Procedure 3205P.2](#).

F. Privacy and Confidentiality

As stated in [Policy 3230](#), Student Privacy, state law provides that at certain ages, students attain the right

to decide for themselves what records will remain confidential, even from their parents, and what activities the student will participate in. A student's pregnancy or pregnancy-related conditions may constitute confidential medical or educational information. Disclosing information about a pregnancy or pregnancy-related condition may violate privacy laws. To ensure the safety and well-being of the student, school employees should not disclose a student's pregnancy status or pregnancy-related conditions to others unless (1) legally required to do so; or (2) the student has authorized such disclosure.

Except, the district may disclose some information to provide reasonable modifications. For example, the district may need to tell specific staff to implement reasonable modification for a student but does not need to disclose why the reasonable modification is being provided.

The following are other exceptions that may apply:

- ☐ (1) A person with the legal right to consent to the disclosure provides written consent and specifies to whom the disclosure may be made.
- ☐ (2) As required by laws, regulations, or to comply with state or federal grant awards or other funding agreement.
- ☐ (3) When required by federal, state or local law, including the [Family Education Rights and Privacy Act \(FERPA\)](#), and those laws do not conflict with Title IX.

G. Comparable Treatment to Other Temporary Medical Conditions

The district must treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions with respect to any medical or hospital benefit, service, plan, or policy the district administers, operates, offers, or participates in with respect to students admitted to the district's education program or activity.

H. Certification to Participate

The district must not require a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person that the student is physically able to participate in the district's class, program, or extracurricular activity unless:

- ☐ The certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity;
- ☐ The district requires such certification of all students participating in the class, program, or extracurricular activity; and
- ☐ The information obtained is not used as a basis for discrimination prohibited by this part.

I. Reasonable modifications

The district must make reasonable modifications to its policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access to the district's education program or activity.

- ☐ Each reasonable modification must be based on the student's individualized needs.
- ☐ In determining what modifications are required under this paragraph, the district must consult with the student.
- ☐ A modification that a district can demonstrate would fundamentally alter the nature of its education program or activity is not a reasonable modification.
- ☐ The student has the discretion to accept or decline each reasonable modification offered by the district. If a student accepts a district's offered reasonable modification, the district must implement it.

Reasonable modifications may include, but are not limited to:

- ☐ Breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom;
- ☐ Allowing a student to sit or stand or carry or keep water nearby;
- ☐ Intermittent absences to attend medical appointments;
- ☐ Excusing medically necessary absences;
- ☐ Access to online or homebound education;
- ☐ Changes in schedule or course sequence;
- ☐ Extensions of time for coursework and rescheduling of tests and examinations;
- ☐ Counseling;
- ☐ Changes in physical space or supplies (for example, access to a bigger desk or a footrest);
- ☐ Requested accommodations to protect the health and safety of the student and/or their pregnancy (such as allowing the student to maintain a safe distance from hazardous substances); or
- ☐ Elevator access.

J. Voluntary Access to Separate and Comparable Portion of Program or Activity

The district must allow the student to voluntarily access any separate and comparable portion of the district's education program or activity, provided that the separate

portion is comparable to that offered to students who are not pregnant and do not have related conditions.

The district may offer alternative schools or programs for pregnant and parenting students so long as participation in such programs is voluntary on the part of the student. When discussing such options with students, school personnel should present all options available in a non-coercive manner.

Alternative schools or programs for pregnant and parenting students must offer opportunities and programs comparable to those offered for non-pregnant students.

Parenting classes and programs must be open to male and female students.

K. Voluntary leaves of absence and intermittent absences

The district must allow the student to voluntarily take a leave of absence from the district's education program or activity to cover, at minimum, the time deemed medically necessary by the student's licensed healthcare provider.

To the extent that a student qualifies for leave under a leave policy maintained by a district that allows a greater period of time than the medically necessary period, the district must permit the student to take voluntary leave under that policy instead if the student so chooses.

When the student returns to the district's education program or activity, the student must be reinstated to the academic status and as practicable, to the extracurricular status that the student held when the voluntary leave began.

The district may not penalize a student for absences related to pregnancy or childbirth. Childbirth or pregnancy-related absences deemed medically necessary by a student's doctor must be excused. Health plans, medical benefits, and related services must be provided to pregnant students in the same manner as services are provided to students with temporary disabilities.

If home instruction is available for students who need to stay home due to a medical condition, then students are entitled to home instruction if they need to stay home due to pregnancy or childbirth. When a student returns to the district or a school following a pregnancy-related absence, the student must be reinstated to the status they held when the absences began.

If other students who miss school for health reasons receive make-up assignments from their teachers, pregnant students are also entitled to receive make-up assignments for classes missed due to pregnancy or childbirth.

L. Limitation on Supporting Documentation

The district must not require supporting documentation unless the documentation is necessary and reasonable for the district to determine the reasonable modifications to make or whether to take additional specific actions under paragraphs.

Examples of situations when requiring supporting documentation is not necessary and reasonable include, but are not limited to, when the student's need for a specific action is obvious, such as

- ☐ When a student who is pregnant needs a bigger uniform;
- ☐ When the student has previously provided the district with sufficient supporting documentation;
- ☐ When the reasonable modification because of pregnancy or related conditions at issue is allowing a student to carry or keep water nearby and drink, use a bigger desk, sit or stand, or take breaks to eat, drink, or use the restroom;
- ☐ When the student has lactation needs; or
- ☐ When the modification, access, leave, or space is available to students for reasons other than pregnancy or related conditions without submitting supporting documentation.

M. Lactation Space

The district must ensure that the student can access a lactation space, which must be a space other than a bathroom, which is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed.

N. Retaliation Prohibited

"Retaliation" means intimidation, threats, coercion, or discrimination against any person for the purpose of interfering with any right or privilege secured by Title IX, [Policy 3211](#) and this procedure, or because the person reported information, made a complaint, was a witness or provided information, assisted, or participated or refused to participate in any manner in an investigation or appeal under the Title IX regulations and this process. Retaliation is prohibited from the district, a student, or an employee or other person authorized by the district to provide any aid, benefit, or service under the district's education program or activity.

When the district has information about conduct that reasonably may constitute retaliation under Title IX or [Policy 3211](#) and this procedure, the district is obligated to respond promptly and effectively, inform the Title IX Officer, and provide notice of the district's grievance process for addressing complaints

of retaliation. Upon receiving a complaint alleging retaliation, the district must initiate its grievance procedures as described below or, as appropriate, an informal resolution process under those procedures.

O. Grievance Procedure

The district has adopted [Procedure 3205P.1](#) to set forth the process for receiving, investigating, and resolving reports or complaints of sex-based discrimination, including harassment based on a person's actual or perceived pregnancy status, and retaliation. Such complaints are to be taken seriously and handled in the same manner as other sex-based discrimination and harassment complaints. [Procedure 3205P.1](#) is designed to provide for a prompt, thorough, and equitable investigation of complaints and to take appropriate steps to resolve such situations. If sex-based discrimination or retaliation is found to have occurred, the district must take immediate action to eliminate the discrimination or retaliation, prevent its reoccurrence, and address its effects.

For questions about this procedure, contact the district's Title IX Officer:

Dr. Chad Golden
Assistant Superintendent Human Resources
3900 Broadway, Everett, WA 98201
425-385-4100
cgolden@everettsd.org

Prohibition of Harassment, Intimidation or Bullying of Students

Policy 3204 ▼

The board is committed to a safe and civil educational environment that is free from the harassment, intimidation, or bullying (HIB) of any student. 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 [Chapter 28A.600 RCW](#) (Students), "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).

This policy and accompanying procedure do not govern harassment, intimidation or bullying of an employee, volunteer, parent/legal guardian, or community member.

Behaviors/expressions

This policy recognizes that 'harassment,' 'intimidation,' and 'bullying' are separate but related behaviors towards a student. 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, innuendos, demeaning comments, drawings, cartoons, pranks, gestures, physical attacks, threats or other written, oral, or physical or electronically transmitted messages or images directed toward a student.

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 for students 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 toward students. 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. Interventions will also be designed 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 a student for reporting HIB, being identified as a targeted student, or participating in an investigation.

It is also a violation of district policy to knowingly report false allegations of HIB. Students or employees who knowingly report or corroborate false allegations will be subject to appropriate discipline. However, students or employees will not be disciplined for making a report in good faith.

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 oversee 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 ▼

Introduction

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

In order to ensure respect, prevent harm, and improve school climate, it is a violation of district policy for a student to be harassed, intimidated, or bullied by other students in the school community, at school sponsored events, or when such actions create a substantial disruption to the educational process. Student(s) will not be harassed because of 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, prevent its reoccurrence, and report it to the building level administrator and/or district HIB compliance officer.

Definitions

Aggressor means a student who harasses, intimidates or bullies another 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, innuendos, 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 a basis for the HIB.

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

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

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

Behaviors/Expressions

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

Harassment refers to any malicious act, which causes harm to any student's physical 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 a student or group of students toward another student and that involves an observed or perceived power

imbalance and is repeated multiple times or is highly likely to be repeated. Bullying may inflict harm on the targeted student including physical or educational harm. Bullying can also occur through technology and is called electronic bullying or cyberbullying.

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

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. [RCW 28A.640.020](#) – Regulations, guidelines to eliminate discrimination—Scope—Sexual Harassment policies
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 of a student. Nothing in this procedure prevents a student, parent/guardian, school or district from taking action to remediate harassment or discrimination based on a student's membership in a legally protected class under local, state, or federal law.

Prevention

Dissemination

In each school and on the [district's website](#) the district will prominently post information, as provided by OSPI, 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 or designee will ensure that language provided by OSPI summarizing the policy and procedure is provided in student, staff, volunteer, and parent handbooks, is available in school and district offices and/or hallways and is posted on the [district's website](#).

Additional distribution of the policy and procedure is subject to the requirements of [Chapter 392-405 WAC](#).

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](#).

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). As feasible, the district's HIB compliance officer will attend annual training as a refresher course, particularly in the event that changes to the HIB law or process occur. Staff will receive annual training on the district's policy and procedure, including, at a minimum, staff roles and responsibilities and the use of the district's [Incident Reporting Form](#).

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.

Compliance officer

The district HIB compliance officer will:

- ☐ Serve as the district's primary contact for HIB of a student. If any district staff member receives allegations in a written report of HIB that indicate a potential violation of [Policy 3204](#), the district staff member must promptly notify the district HIB compliance officer.
- ☐ Provide support and assistance to the principal or designee in resolving complaints.
- ☐ Receive copies of all [Incident Reporting Form](#), discipline referral forms relating to HIB, and letters to parents providing the outcomes of investigations.
- ☐ 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 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.

- ☐ 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.
- ☐ Ensure the implementation of the policy and procedure by overseeing the investigative processes, including ensuring that investigations are prompt, impartial, and thorough.
- ☐ Assess the training needs of staff and students to ensure successful implementation throughout the district, and ensure staff receive annual training.
- ☐ Provide the OSPI School Safety Center with notification of policy or procedure updates or changes on an annual basis.
- ☐ 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.k12.wa.us/SafetyCenter/default.aspx.
- ☐ The district will provide updated names and contact information to OSPI after a change of the district's HIB compliance officer.

The district Harassment, Intimidation or Bullying Compliance Officer is:

Danielle Mundell
Everett School District No. 2
3721 Oakes Avenue
P.O. Box 2098
Everett, WA 98201
Dmundell2@everettsd.org
Phone: (425) 385-4260

Staff Intervention

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

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 the Office of Superintendent of Public Instruction's (OSPI) School Safety Center website: www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx

Any student or students who believe they have been the target of unresolved, severe, or persistent 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.

The district must provide an incident report form to students, families, or staff, if requested.

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:

A. 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 5th period.)

B. 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.)

C. 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](#) of this policy 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 of a student shall attempt to resolve the incident immediately. If the incident is resolved to the satisfaction of the parties involved, if the incident does not meet the definition of HIB, or if the conduct is not directed toward a student, no further action may be necessary under this procedure. If the parties involved are not satisfied with the attempt to resolve the situation, the staff member will notify the HIB compliance officer, the parties will be provided with a HIB Incident Report form, and given the opportunity to complete the form, thereby initiating the process for an official HIB investigation.

All reports of unresolved, severe, or persistent HIB of a student will be recorded on a district [Incident Reporting Form](#) and submitted to the principal or designee. Once recorded, the principal or designee must communicate with the district HIB compliance officer regarding the complaints.

Step 3: Investigations of unresolved, severe, or persistent HIB

All reports of unresolved, severe, or persistent HIB of a student 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.

1. Upon receipt of the [Incident Reporting Form](#) that alleges unresolved, severe, or persistent HIB of a student, 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.
2. For allegations involving a staff member the Human Resources Department must be involved so union representatives can be notified. These allegations will not be handled under the processes in [Policy](#)

[3204](#) and this procedure. Human Resources Departments must include consideration of [Policy 3210](#) and [Procedure 3210P](#), Nondiscrimination, [Policy 5010](#) and [Procedure 5010P](#), Affirmative Action and Nondiscrimination, and other applicable policies and laws, including [WAC 392-190-0555](#). The Human Resources Departments should work with their legal services to determine the appropriate complaint process and response.

3. 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.k1wa.us/student-success/health-safety/school-safety-center/safety-planning-toolkit>) for the student(s) involved. The plan may include changing seating arrangements for the complainant 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 the [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.

4. 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.
5. 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 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 and neglect, they must follow district [Policy 3241](#) for reporting such cases to Child Protective Services or law enforcement.

6. The investigation shall include, at a minimum:
 - a. An interview with the complainant;
 - b. An interview with the targeted student, if different than the complainant;
 - c. An interview with the alleged perpetrator aggressor;
 - d. A review of any previous complaints involving the complainant, the targeted student, or the alleged perpetrator aggressor; and
 - e. Interviews with other students or staff members who may have knowledge of the alleged incident.
7. The principal or designee may determine that other steps must be taken before the investigation is complete.
8. 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.
9. 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:
 - a. The results of the investigation;
 - b. Whether the allegations were found to be factual;
 - c. Whether there was a violation of policy; and
 - d. The process for the complainant to file an appeal if the complainant disagrees with 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: Complainant's right to appeal

1. If the complainant or parent/guardian is dissatisfied with the results of the investigation, they may appeal to the superintendent or 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.
2. If the 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.
3. 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 of a student. 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](#) and [Procedure 3300P](#) – 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 by not reporting HIB or not preventing retaliation, the district may impose employment disciplinary action, up to and including termination. If a certificated educator is found to have committed a violation of [Chapter 181-87 WAC](#), commonly called the Code of Conduct for Professional Educators, OSPI's Office of Professional 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

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.

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 of a student. Retaliation is prohibited and will result in appropriate discipline.

Other resources

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

For questions or more information, students and families can reach out to the following state or federal agencies:

OSPI Equity and Civil Rights Office
(for discrimination complaints)
360.725.6162
Email: equity@k12.wa.us
<https://www.k12.wa.us/policy-funding/equity-and-civil-rights>

Washington State Human Rights Commission
800.233.3247
<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: OEInfo@gov.wa.gov
<http://oeo.wa.gov/>

OSPI Safety Center
360.725.6844
Email: Schoolsafety@k12.wa.us
<https://www.k12.wa.us/student-success/health-safety/school-safety-center>

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 in this procedure, but which are, or may be, prohibited by other district or school rules.

Protection of Student Personal Information

Policy 3235 ▼

The board of directors recognizes that high-quality education data collected by its contracted school service providers is an important component for improving student achievement. The board also recognizes that the district plays a role in ensuring that school service providers use the personal information of students in a responsible and ethical manner consistent with the privacy protections required under federal and state law.

To this end, the district will ensure that all negotiated contracts and online “Terms of Use”

agreements with school service providers align with the Student User Privacy in Education Rights (SUPER) Act codified at [Chapter 28A.604 RCW](#) and the procedure that accompanies this policy.

Procedure

3235P ▼

This procedure will apply to all district contracts with school service providers as defined below. Prior to entering into such contracts and regardless of their form, district employees will consult with the superintendent or the superintendent’s designee and/or the school or district business officer to verify that any such contract aligns with [Chapter 28A.604 RCW](#), the Student User Privacy in Education Rights (SUPER) Act, as well as any relevant guidelines listed in this procedure.

Definitions

School service means a website, mobile application, or online service that meets all three of the following criteria: a) it is designed and marketed primarily for use in a K-12 school; b) it is used at the direction of teachers or other employees of a K-12 school; and c) it collects, maintains or uses student personal information. This term does not include websites, mobile applications or online services designed and marketed for use by individuals or entities generally, even if also marketed to a K-12 school.

School service provider means an entity that operates a school service.

Student personal information as used in [Board Policy 3235](#) and this procedure is consistent with the term as used in [Chapter 28A.604 RCW](#) and means:

- ☐ Information collected through a school service that personally identifies an individual student; OR
- ☐ Other information collected and maintained about an individual student that is linked to information that identifies an individual student and would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

Such information includes, but is not limited to, a student’s name, identification numbers, date of birth, demographic information, residence, school student identification number, attendance records, student discipline records, free and reduced lunch information, special education and related services information, standardized test scores and other student growth data. “Information that personally identifies a student” should be considered synonymous

with “personally identifiable information” as that term is used in the Family Educational Rights and Privacy Act (FERPA), [20 U.S.C. 1232G](#) and [34 C.F.R. Part 99](#).

Targeted advertising means sending advertisements to a student where the advertisement is selected based on information obtained to infer from a student’s online behavior, application usage, or personal information. It does not include a) advertising to a student at an online location based upon that student’s current visit to that location without the collection and retention of a student’s online activities over time; or b) adaptive learning, personalized learning or customized education.

Terms of service agreement (otherwise known as a “Click-Wrap” agreement) means an online agreement that requires a user to click to accept the agreement in order to access the service or application for the first time. Once a user clicks “I agree,” the terms will likely govern what information the provider may collect from or about students, how they may use this information, and with whom they will share the information.

Student User Privacy in Education Rights (SUPER) Act Requirements

All school service providers must:

- A. Provide the district (including the relevant administrator and/or teacher) with clear and easy to understand information about the types of student personal information it collects and about how it uses and shares student personal information.
- B. Provide the district with prominent notice before making material changes to their privacy policy for school services.
- C. Facilitate parent/guardian access to and correction of student personal information through direct communication with the school service provider or through the appropriate teacher/administrator of the district.
- D. Collect, use and share student personal information only for purposes authorized by the district’s school or teacher consistent with federal and state law and district policy or as authorized in writing by the student’s parent/guardian.
- E. Maintain a comprehensive information security program that is reasonably designed to protect the security, confidentiality and integrity of student personal information. The information security program should make use of appropriate administrative, technological, and physical safeguards.
- F. Delete student personal information within a reasonable period of time if the relevant school

or district requests deletion of the data under the control of the school unless: 1) the school service provider has obtained student consent or the consent of the student’s parent/guardian to retain information related to that student; or 2) the student has transferred to another school and the receiving school has requested that the school service provider retain information related to that student.

Consistent with federal and state law, school service providers may use student personal information for purposes related to:

- A. Adaptive learning or personalized/customized education;
- B. Maintaining, developing, supporting, improving, or diagnosing the school service provider’s website, mobile application, online service, or application;
- C. Providing recommendations for school, educational or employment purposes within a school service, provided that responses are not determined in whole or in part by any payment or other consideration from a third party; or
- D. Responding to a student’s request for information or feedback without the information or response being determined in whole in part by payment or other consideration from a third party.

School service providers are prohibited from:

- A. Collecting, using, and sharing student personal information without district authorization consistent with federal and state law and district policies or parent/guardian consent.
- B. Selling student personal information. This prohibition does not apply to the purchase, merger, or acquisition of a school service provider, or to assets of a school service provider by another entity, provided that the successor entity continues to be subject to the same contractual terms as the original school service provider with respect to previously acquired student personal information under the authority of [Chapter 28A.604 RCW](#).
- C. Using or sharing any student personal information for purposes of targeted advertising to students.
- D. Using student personal information to create a personal profile of a student other than for supporting purposes authorized by the school or the teacher or with consent of the student’s parent/guardian.
- E. Using student personal information in a manner that is materially inconsistent with the school service provider’s privacy policy or its contract with the district or school in effect at the time of

collection of the information without obtaining prior consent from the superintendent or their designee.

The district may permit an exception to the above prohibitions consistent with federal and state law, with the exception of (C) in the above paragraph, on use and disclosure of student personal information by a school service provider to:

- A. Protect the security or integrity of its website, mobile application or online service;
- B. Ensure legal or regulatory compliance or to take precautions against liability;
- C. Respond to or participate in the judicial process as permitted by federal and state law;
- D. Protect the safety of users or others on the website, mobile application or online service;
- E. Investigate a matter related to public safety; or
- F. A subcontractor if the school service provider: 1) contractually requires compliance with federal and state privacy laws and prohibits the subcontractor from using student personal information for any purpose other than providing the contracted service to or on behalf of the school service provider; 2) prohibits the subcontractor from disclosing any student personal information provided by the school service provider to third parties unless the disclosure is expressly permitted by any of the above bulleted items or is used for adaptive learning and customized education purposes pursuant to [RCW 28A.604.050](#) or if consent is obtained in compliance with [RCW 28A.604.060](#), as well as federal and state privacy laws; and 3) requires the subcontractor to comply with all requirements of [Chapter 28A.604 RCW](#).

Model Terms for District and School Service Provider Contracts

The following guidelines are intended to assist contract managers in their review of draft contracts with school service providers and should be read in conjunction with the statutory requirements of [Chapter 28A.604 RCW](#), [RCW 28A.605.030](#), and the Family Educational Rights and Privacy Act, [20 U.S.C. 1232g](#) and [34 C.F.R. Part 99](#), listed above. These guidelines are not intended as a substitute for lawful compliance with federal and state privacy laws protecting personally identifiable student information, consultation with legal counsel, and/or contract legal review.

1. Definition of Data:
Data should be defined broadly to include all information to which providers may have access and specifically should include all

student personal information as defined above, information contained in or derived from student education records, metadata, and user content.

2. Data De-Identification:

The “de-identification of data” means the removal of all direct and indirect personal identifiers, including but not limited to a student’s name, date of birth, identification numbers, demographic information, residence, school identification number, and other personal information collected and maintained by the district about an individual student that is linked to information that identifies an individual student. De-identification means the removal of such information that, alone or in combination with other information would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty. Additionally, the school service provider should agree not to attempt to re-identify de-identified data and not to transfer de-identified data to any party unless that party agrees not to attempt re-identification.

Any agreements with contracted school service providers will contain these de-identification requirements and the definitions above.

3. Marketing and Advertising:

Agreements should state the legal prohibition on using or sharing any student personal information for purposes of targeted advertising to students (see above) and to also prohibit use of data for targeted marketing to students and marketing or advertising to parents.

Avoid language allowing a school service provider to use data to market or advertise to students or their parents.

4. Modification of Terms of Service:

Consider adding language to state the legal prohibition on the provider changing how it collects, uses or shares data in the agreement in any way without advance notice to the district to require consent from the district.

Avoid language stating that the school service provider will only notify the school/district of material changes.

5. Data Collection:

Agreements should limit data collection to only what is necessary to fulfill the agreement if the agreement with the school service provider relates to data protected under the Family Educational Rights and Privacy Act (FERPA), i.e., “Provider will only collect data necessary to fulfill its duties as outlined in this Agreement.”

Avoid any language regarding student user access through a third-party website (such as a social networking site) resulting in the collection of personal information associated with that site.

6. Data Use:

Agreements should restrict the school service provider's use of data to the purposes outlined in the agreement.

Avoid any provision with words to the effect that actions may occur without notice to users.

7. Data Mining:

Consider prohibiting the school service provider from mining data for any purposes other than those agreed to by the parties, as such actions could lead to violations of FERPA or the Protection of Pupil Rights Amendment (PPRA) as well as the provisions of corresponding state law.

Avoid any language stating that data mining or scanning of user content will occur for the purpose of advertising or marketing to students or parents.

8. Data Sharing:

Consider adding language to the effect that the school/district understands that the school service provider will rely on one or more subcontractors to perform services under this agreement, and that all subcontractors and successor entities of the provider will be subject to the terms of the agreement.

Avoid language indicating that the school service provider may share information with one or more subcontractors without notice to user.

9. Data Transfer/Destruction:

Consider language requiring the school service provider to ensure that all data in its possession (or that of its subcontractors, agents or any other party to whom the provider has transferred data) will be destroyed or transferred to the school/district when it is no longer needed for the specified purpose, at the request of the school/district.

Avoid language to the effect that the school service provider maintains the right to use data or user content.

10. Rights/License to Data:

Consider language to the effect of, "the parties agree that all rights, including intellectual property rights, shall remain the exclusive property of the school/district and the school service provider has a limited, nonexclusive license solely for the purpose of performing its obligations in this agreement. This agreement does not give the provider any rights, implied or otherwise, to data, content, or intellectual property except as stated in this agreement. This

includes the right to sell or trade data."

Avoid language to the effect that district data or user content grants the school service provider with an irrevocable right to license, transmit, or display data or user content.

11. FERPA Access:

Agreements should allow the district to provide parents with access to education records as required by FERPA and [Chapter 28A.605 RCW](#), e.g. "Any data held by provider will be made available to the school/district upon request by the school/district."

Avoid language that places barriers (i.e., excessive time for provider response) on the school's/district's access to its data held by the school service provider.\

12. Security:

Consider (in addition to requiring the school service provider to take administrative, physical and technical safeguards to secure data as required under state law) including provisions such as "industry best practices," periodic risk assessments, remediation of any identified security vulnerabilities in a timely manner, a written incident response plan, prompt notification of the school/district in the event of a breach, response protocol for a breach, and sharing of incident response plans upon request.

Avoid contracts that do not reference security controls or those that include a standard other than "industry best practices."

Release of Student Directory Information

Policy 3250 ▼

The following directory information may be released by the district for school-related purposes, including media coverage, unless a student's parents or guardians request in writing that such information not be released:

- ☐ The student's name;
- ☐ grade level;
- ☐ dates of enrollment;
- ☐ degrees and awards received;
- ☐ participation in officially recognized activities and sports;

- ☐ weight and height of members of athletic teams;
- ☐ schools attended in the district;
- ☐ work created by the student for school-related publications and purposes; and/or
- ☐ photographs of students for school-related publications and purposes.

At least once a year, parents/guardians shall be notified of their right to request that any or all of these categories of information, including personally identifiable photographs, not be released without their prior consent.

In addition, secondary students' addresses and telephone numbers are released, as required by federal law, to military recruiters and institutions of higher learning on or about October 15 each year. Parents or guardians may indicate on the annual notification form or request in writing that such information not be released.

All requests remain in effect for the duration of each student's district enrollment unless changed by parent/guardian.

Release of Student during the School Day

Policy 3441 ▼

The board recognizes its responsibility for the proper care of students during school hours. No K-8 student shall be removed from school grounds, any school building or school function during school hours except by a person duly authorized in accordance with district procedures. Before a student is removed or excused, the person seeking to remove the student must present to the satisfaction of the superintendent or designee or principal or designee evidence of his/her proper authority to remove the student. A teacher should not excuse a student from class to confer with non-school personnel unless the request is approved by the principal or designee.

Prior to sending a student to his/her home for illness, discipline or a corrective action, the principal or designee shall attempt to reach the student's parent/guardian to inform him/her of the school's action and to request that he/she come to the school for the child. If the principal or designee cannot reach the parent/guardian, the student shall remain at school until the close of the school day. A student may be released to a law enforcement officer in accordance with district [Board Policy 4411](#), Working Relationships with Law Enforcement, The Department of Children, Youth, and Families, and the Local Health Department.

The superintendent is directed to establish procedures for the removal of a student during school hours.

Procedure

3441P ▼

Schools must exercise a high order of responsibility for the care of students while in school. The removal of a student during the school day may be authorized in accordance with the following procedures:

1. Law enforcement officers, upon proper identification, may remove a student from school without a warrant provided that the law enforcement officer signs a statement that he/she is removing the student from the school. Such authority to take a student into custody is based on the existence of probable cause. Custodial parents should be contacted as soon as possible when a student is taken into custody.
2. Any other agencies must have a written administrative or court order directing the school district to give custody to them. Proper identification is required before the student shall be released.
3. Unless the custodial parent provides the school with a certified copy of a court order restricting or prohibiting the student's contact with the non-custodial parent, a student shall be released to the custodial parent(s) or the non-custodial parent(s) or the "contacts/release" person(s) as authorized on enrollment or update forms. School enrollment records will be relied upon because the parents or guardians have the burden of furnishing schools with accurate, up-to-date information.
4. The school should always make a reasonable effort to notify the residential parent before releasing the student to the non-residential parent.
5. Prior written authorization from the custodial parent or guardian is required before releasing a student into someone else's custody unless an emergency situation justifies a waiver.
6. Law enforcement should be called if a visitor becomes disruptive or abusive.

Searches of Students and their Property

Policy 3231 ▼

Personal privacy is a fundamental aspect of individual liberty. All students shall be free from unreasonable searches of their persons, clothing, and other personal property. However, a student and a student's possessions are subject to search by the principal, assistant principal, or principal's designee if there is reasonable suspicion that the search will yield evidence of the student's violation of the law or school rules. A search is mandatory if there is reasonable suspicion that a student possesses a firearm.

School officials have authority to maintain order and discipline in the schools and to protect students from exposure to illegal drugs, weapons and contraband. The superintendent, the principal, and other staff designated by the superintendent have the authority to conduct reasonable searches on school property in accordance with the law.

Searches of Lockers, Desks and Storage Areas

Students may be assigned lockers for storing and securing their books, school supplies and personal effects. Lockers, desks and storage areas are the property of the district. Accordingly, students have no expectation of privacy in the lockers, desks and storage areas they use or are assigned ([RCW 28A.600.220](#)).

No student may use a locker, desk or storage area as a depository for any substance or object which is prohibited by law or school rules, or which poses a threat to the health, safety or welfare of the occupants of the school building or the building itself.

All student lockers may be searched at any time without prior notice and without reasonable suspicion that the search will yield evidence of any particular student's violation of the law or school rules.

School officials may consult with local law enforcement officials regarding the advisability of a search on school premises by a law enforcement officer if evidence of criminal activity is likely to be seized.

The superintendent shall develop procedures regulating searches of students, and their personal property and for conducting searches of lockers, desks or storage areas.

Procedure

3231P ▼

A student and their property may be searched by a principal or principal's designee if there is reasonable suspicion 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 or principal's designee prior to initiating a search, except in emergency situations. A search is required when there is reasonable suspicion that a student has a firearm on school grounds, transportation, or at school events.

A. Establishing Reasonable Suspicion

A search may occur if the principal or principal's designee has reasonable suspicion that the search will produce evidence of unlawful activity or a violation of a school rule. To determine whether reasonable suspicion exists, consider the following:

1. What information is the suspicion based on?
2. Is the information reliable?
3. Is the person who shared the information credible?
4. If a search were conducted what's the likelihood that evidence of unlawful activity or a violation of a school rule would be found?
5. Is the student likely to possess or have concealed any item, material, or substance which is itself prohibited or which would be evidence of a violation of the law or a school rule?

B. Conducting the search

If the principal or principal's designee determines that reasonable suspicion exists to search a student's clothing, personal effects, automobile, or personal container inside of district property such as an assigned desk, locker, or storage area, the search shall be conducted as follows:

1. If evidence of unlawful activity or a violation of a school rule is suspected, proceed to search by asking the student to remove all items from pockets, purses, handbags, backpacks, gym bags, etc.
2. If the student refuses to cooperate in a personal search, the student should be held until the student's parent or guardian is available to consent to the search. If a parent or guardian cannot be reached in a reasonable time, the principal may conduct the search without the student's consent.
3. The search must not be excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.

4. Do not conduct a strip search or body cavity search of the student.

Searches of Lockers, Desks and Storage Areas

Principals or principals' designees may search all student lockers, desks or storage areas at any time without prior notice and without reasonable suspicion that the search will yield evidence of any particular student's violation of the law or school rule ([RCW 28A.600.240](#)). Any search of an individual student's locker shall be conducted according to [Policy 3230](#), Searches of Students, Lockers, Desks and Storage Areas and Student Privacy. A search is mandatory if there are reasonable grounds to suspect there is a firearm in the locker, desk or storage area.

If the principal or principal's designee conducting such a search develops a reasonable suspicion that any container inside the locker contains evidence of a student's violation of the law or school rules, the container may be searched. A "container" for the purpose of this procedure may include, but is not limited to, an article of clothing, a handbag, purse, backpack, gym bag or any other item in which contraband material may be concealed.

Administrative inspections, or health and welfare inspections, may be conducted at any time to locate misplaced library books, textbooks or other school property or to ensure that all lockers, desks and storage areas are kept clean and free from potential health or safety hazards. Periodic inspections of lockers, desks and storage areas will reinforce the district's ownership of lockers, desks and storage areas and the minimal expectation of privacy students have in the contents of their lockers, desks and storage areas.

School officials may consult with local law enforcement officials regarding the advisability of a search on school premises by a law enforcement officer if evidence of criminal activity is likely to be seized.

Sex Discrimination and Sex-Based Harassment of Students Prohibited

Policy 3205 ▼

The district is committed to a positive and productive education free from discrimination. The district does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by federal and state laws. 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.

The district has jurisdiction over complaints of sex discrimination, including sex-based harassment, pursuant to the Federal law Title IX of the Education Amendments of 1972 (Title IX) and Washington State laws, including [Chapter 28A.640 RCW](#) and [Chapter 392-190 WAC](#).

This policy is developed to meet the district's obligations under Title IX and aligned with Washington State laws and regulations that define sex discrimination. Sex discrimination that does not fall under this policy may be addressed under other district policies and procedures.

The district prohibits sex discrimination of students by other students, employees, or third parties involved in school district activities. The district also prohibits sex discrimination in the policies, procedures, and practices of the district's program and activities, including but not limited to counseling and guidance services, recreational and athletics activities, and access to course offerings.

For the purposes of this policy, "sex discrimination" includes discrimination on the basis of sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, and gender expression. Sex-based harassment is a form of sex discrimination and is prohibited by this policy.

Definitions

"Sex-based harassment" means sexual harassment and other harassment on the basis of sex stereotypes, sex characteristics, sexual orientation, gender identity, gender expression, pregnancy or related conditions, and marital status.

The term "sexual harassment" includes the following, which Title IX defines at [34 CFR § 106.2](#):

- ☐ "Quid pro quo harassment,"
- ☐ "Hostile environment harassment," and
- ☐ Specific offenses of sexual assault, dating violence, domestic violence, or stalking.

The term "sexual harassment" is prohibited under state law as defined by [WAC 392-190-056](#) and includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature between two (2) or more individuals if:

- ☐ (a) Submission to that conduct or communication is condition of obtaining an education; or
- ☐ (b) A factor in decisions affecting that individual's education; or

- (c) The conduct or communication has the purpose or effect of substantially interfering with an individual's educational performance or of creating an intimidating, hostile, or offensive educational environment.

Harassment based on sexual orientation, gender expression, or gender identity is also prohibited under Washington State law.

For the purpose of these definitions, sex-based harassment may include conduct or communication that involves adult to student, student to adult, student to student, adult to adult, male to female, female to male, male to male, and female to female.

The district will address all sex-based harassment in its program and activities, even when some conduct alleged to be contributing to a hostile environment occurs outside of its program or activities.

The district has also developed other specific, related policies for students to comply with its obligations under state and federal laws, including [Policy 3210](#) Nondiscrimination, [Policy 3211](#) Pregnant and Parenting Students, [Policy 3213](#) Gender-Inclusive Schools, and [Policy 5160](#) Sex Discrimination and Sex-Based Harassment of District Staff Prohibited to comply with its obligations under state and federal laws, including Title IX, and to create inclusive and welcoming school-communities.

Investigation and response

The superintendent or designee will develop and implement procedures for receiving, investigating, and resolving complaints or reports of sexual discrimination and will include reasonable and prompt timelines and delineate roles and responsibilities for such.

If the district knows, or reasonably should know, that sexual discrimination has occurred, it will promptly investigate to determine what occurred and take appropriate steps to resolve the situation. If an investigation reveals that sex-based harassment has created a hostile environment, the district will take prompt and effective steps reasonably calculated to end the sex-based 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 sex discrimination that come to the attention of the district. The district will take these steps every time a complaint alleging sex discrimination comes to the attention of the district.

Allegations of criminal misconduct and suspected child abuse will be reported to law enforcement or Child Protective Services as required by law. 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 sex-based harassment.

Engaging in sex-based 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 sex-based harassment on school property or at school activities will have their access to school property and activities restricted, as appropriate.

Retaliation and false allegations

It is a violation of this policy to engage in retaliation, as defined under federal and state laws and Procedure [3205P.1](#), including retaliation by a student against another student, and will result in appropriate discipline. The district will take appropriate actions to protect involved persons from retaliation.

It is a violation of this policy to knowingly report false allegations of sex discrimination. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline as discussed in Procedure [3205P.1](#). However, no party, witness, or others participating in the district's grievance process will be disciplined based solely on a determination of whether sex discrimination occurred under the Procedure [3205P.1](#).

Staff responsibilities and Training

The superintendent or designee will develop and implement a procedure that identifies the roles, responsibilities, and training requirements of the Title IX Officer and other district employees.

The superintendent or designee will also develop materials to provide age-appropriate information and education to district staff, students, parents, and volunteers regarding this policy and the recognition and prevention of sex-based harassment.

District Notice

At a minimum, the district's website will include a statement that the district prohibits sex discrimination and sex-based harassment in any education program or activity that it operates, as required by Title IX and other laws, and employment. It will also state that questions about Title IX, how to locate the district's policy and grievance procedure, and how to report sex discrimination or make a complaint may be directed to the district's Title IX Officer. The Title IX Officer's contact information will also be provided, including their name or title, office address, email address, and telephone number.

This policy and Procedure [3205P.1](#), which includes the complaint process, will be conspicuously posted in each district building in a place accessible to staff, students, parents, volunteers, and visitors. Information about the policy and procedure will be clearly stated and 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 Officer and provide contact information, including the Title IX Officer's email address.

Additionally, sex-based harassment recognition and prevention and the elements of this policy will be included in staff, student, and regular volunteer orientations.

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.1](#) and Procedure [3205P.2](#). 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.1 ▼

The district is committed to providing an educational environment that is free from sex discrimination, sex-based harassment, and retaliation for engaging in any protected activity as required by federal and state laws for all students.

The district has jurisdiction over these complaints pursuant to the Federal law Title IX of the Education Amendments of 1972 (Title IX) and Washington State laws, including [Chapter 28A.640 RCW](#), Sexual Equality and [Chapter 392-190 WAC](#), Equal Educational Opportunity—Unlawful Discrimination Prohibited.

This procedure sets forth the district's process for receiving, investigating, and resolving reports or complaints of sex discrimination. It is designed to provide for a prompt, thorough, and equitable investigation of complaints and to take appropriate steps to resolve such situations. If sex discrimination is found to have occurred, the district must also take immediate action to eliminate the discrimination, prevent its reoccurrence, and address its effects.

Under Washington State law, anyone may file a complaint with the district alleging any action that federal, state, or local sex-based nondiscrimination laws and regulations would prohibit. However, the grievance procedure below was developed to meet the

district's obligations under Title IX and is aligned with Washington State laws and regulations that define sex discrimination, including those that prohibit sex-based harassment. As discussed in Section III. B, the district will assess complaints under this procedure and may refer them to other district policies and procedures.

For questions about this procedure, contact the district's Title IX Officer:

Dr. Chad Golden
Assistant Superintendent Human Resources
3900 Broadway, Everett, WA 98201
425-385-4100
cgolden@everettsd.org

I. General Definitions

"Complainant," as defined by federal law, Title IX, means a student, employee, or other person who was participating or attempting to participate in a district education program or activity who is alleged to have been subjected to sex discrimination.

In some instances, the person who files a complaint may not be the student, employee, or other person who was alleged to have been subjected to sex discrimination. In those cases, the person who filed the complaint is referred to as the "Complaint Requestor," and the student, employee, or person subjected to the alleged sex discrimination is referred to as the "complainant" in documents related to the complaint.

"Complaint" means an oral or written request to the district that can be objectively understood as a request the district investigate and determine whether alleged sex discrimination occurred.

"Party" or "parties" means a complainant(s) or respondent(s).

"Prohibited conduct" means legally prohibited sex discrimination and harassment. Specific prohibited conduct is defined in Section VI below.

"Remedies" means appropriate measures provided after the district determines that sex discrimination occurred to restore or preserve a complainant or any other person's equal access to the recipient's education program or activity.

"Respondent" means a person who is alleged to have violated the district's prohibition of sex discrimination and can be a student, employee, or other third party. (If the complaint is not against an individual or group of individuals but is based solely on a policy or practice of the district, it will be considered a complaint of sex discrimination against the district. Parts of this procedure that apply to a "respondent" will not apply, but all other parts of the procedure will be applied.)

“Student with a disability” means a student who is an individual with a disability as defined in Section 504 of the Rehabilitation Act of 1973 (Section 504) or a child with a disability as defined in the Individuals with Disabilities Education Act (IDEA).

“Written notice” means written or electronic notice in a language the party can understand, which may require language assistance for parties with limited English proficiency in accordance with Title VI of the Civil Rights Act. The term parties include the parent(s)/guardian(s) of any minor student.

II. Responding to Notice or Report of Sex Discrimination

Upon receipt of notice, reports, or knowledge about alleged sex discrimination, including sex-based harassment, the district will take steps, as necessary, to address information that is reported to it by others to the extent that it is feasible to do so while maintaining the confidentiality of the affected student or employee.

The district is on notice and required to take action when any employee knows, or in the exercise of reasonable care should know, about possible sex discrimination. This includes verbal or written reports made to any employee, including anonymous complaints.

Upon notice of possible sex discrimination, employees will always notify the Title IX Officer. Additionally, employees will also inform an appropriate supervisor or professional staff member when they receive complaints of sex-based harassment, especially when the complaint is beyond their training to resolve or alleges serious misconduct.

The district will make every effort to protect the parties’ privacy. However, in the event of an alleged sexual assault of a student or employee under the age of 18, the school principal will immediately inform law enforcement consistent with mandatory reporting requirements at [RCW 26.44](#), Abuse of Children.

In the event of an alleged sexual assault, the school principal will also immediately notify the student, parent or guardian, or employee of their right to file a criminal complaint with law enforcement and a sex-based harassment complaint with the district. With the consent of the student or employee or when there is a legal requirement to do so, the principal may also help them contact law enforcement.

III. Supportive Measures, Notice of Applicable Policy/Procedure and Other Considerations

Once the Title IX Officer has been notified of possible sex discrimination, the Title IX Officer (or a school- or department-based Title IX Coordinator) will promptly contact the affected student or employee to:

- ☐ Discuss the availability of supportive measures and consider their wishes with respect to supportive measures;
- ☐ Explain the district’s procedure and resolution options, including the informal resolution process if appropriate; and
- ☐ Provide a copy of the applicable district policy and procedure, including the district’s grievance procedure.

A. Supportive Measures

Upon notice of allegations of sex discrimination, the school- or department-based Title IX Coordinator will offer and coordinate supportive measures as appropriate for the complainant and respondent.

At the time that supportive measures are offered, if a complaint has not been filed, the district will provide written notice that the complainant may file a complaint with the district at any time. The school- or department-based Title IX Coordinator will work with a party to ensure that their wishes are considered with respect to any planned and implemented supportive measures.

If a complainant does not want to file a complaint or engage in informal resolution options, a reported concern may be resolved by offering and, upon request, providing supportive measures (only). The school- or department-based Title IX Coordinator will document any supportive measures provided and provide that information to the district’s Title IX Officer.

1. Providing Supportive Measures

Supportive measures are designed to protect the safety of the parties or the district’s educational environment. They also provide support during the informal resolution process and grievance process. They are designed to restore or preserve access to the district’s education program or activity. They are offered without fee or charge to the parties and must not unreasonably burden either party.

Supportive measures cannot be imposed against a respondent for punitive or disciplinary reasons.

Supportive measures are available to both parties and may vary depending on what is reasonably available, but may include:

- ☐ A request that an administrator address allegations by meeting with the respondent(s) (with or without the complainant) to discuss concerning behavior, school policies, and expectations. Such a conversation must be non-disciplinary, non-punitive, and respondent(s) cannot be required to attend such meetings, nor are they required to provide any information if they attend. If it takes place, the conversation will be documented.
- ☐ An opportunity for a complainant student or employee, upon request and voluntarily, to meet with an administrator or the school- or department-based Title IX Coordinator and an alleged harasser to explain to the alleged harasser that their conduct is unwelcome, offensive, or inappropriate, either in writing or face-to-face;
- ☐ A written statement from a complainant student or employee to an 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's sex-based harassment policy without identifying the complainant;
- ☐ Developing a safety plan, adjustments;
- ☐ Mutual restrictions on contact between the parties;
- ☐ Increased security and monitoring of certain areas of the campus or school building;
- ☐ Providing employee and/or student training;
- ☐ Remote or alternative learning environments for students or leaves of absence for employees;
- ☐ Counseling or a referral to the Employee Assistance Program;
- ☐ Changes in class or extracurricular or any other activity;
- ☐ Modifications of work or class schedules, including extensions of deadlines and other course-related either there is or is not a comparable alternative; and
- ☐ Training and education programs related to sex discrimination or harassment.

If either party is a student with a disability, the district's Title IX Officer may consult, as appropriate, with an individual or office designated to provide support to students with disabilities about how to comply with Section 504 or the student's IDEA in the implementation of supportive measures.

For allegations other than sex-based harassment or retaliation, the district is not required to alter the alleged discriminatory conduct for the purpose of providing a supportive measure.

2. Privacy and Supportive Measures

To ensure the parties' privacy, the district must not disclose supportive measures to anyone other than the people to whom they apply about the supportive measures, including the other party.

Except, the district may disclose some information to carry out the purposes of supportive measures, including to address conduct that reasonably may constitute sex discrimination. For example, the district may need to tell specific staff, the other party, or a third party of a supportive measure to implement or document it. But the district may not need to disclose why the supportive measure is being provided.

The following are other exceptions that may apply:

- ☐ (1) A person with the legal right to consent to the disclosure provides written consent.
- ☐ (2) The information is disclosed to a parent, guardian, or other authorized legal representative of the person at issue.
- ☐ (3) As required by laws, regulations, or to comply with state or federal grant awards or other funding agreement.
- ☐ (4) When required by federal, state or local law, including [Family Educational Rights and Privacy Act \(FERPA\)](#), and those laws do not conflict with Title IX.

Application of state laws may prohibit disclosure even where permissible under those exceptions. As stated in [Policy 3230](#), Student Privacy, Washington State law provides that at certain ages, students attain the right to decide for themselves what records will remain confidential, even from their parents, and what activities the student will participate in.

Additionally, as stated in [Procedure 3213P](#), Gender-Inclusive Schools, 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 others may violate privacy laws. 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 other school personnel, other students, or the parents of other students, unless the school is (1) legally required to do so, or (2) the student has authorized such disclosure.

3. District Modification or Termination of Supportive Measures

As appropriate, the district may modify or terminate supportive measures at the conclusion of an informal resolution or investigation process, or the district may continue them beyond that point.

4. Opportunity for Modification or Reversal of Supportive Measures

The district must also provide a party with the opportunity to seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.

If either party wants to modify or reverse the district's decision to provide, deny, modify, or terminate supportive measures applicable to them, they may request an opportunity for modification or reversal from the Supportive Measure Review Administrator (SMRA), which is the district's Title IX/Civil Rights Compliance Officer.

B. Title IX Officer Determinations and Explanation of Applicable Policies

1. Who Can File Under this Procedure

For complaints of sex-based harassment, these people also have the right to file complaints under this procedure:

- ☐ A person who meets the definition of "complainant" above;
- ☐ A parent, guardian, or other authorized legal representative of the complainant;
- ☐ A school- or department-based Title IX Coordinator; or
- ☐ The district's Title IX Officer.

For other forms of sex discrimination that are not sex-based harassment, the following people have the right to make a complaint under this procedure:

- ☐ A person who meets the definition of "complainant" above;
- ☐ A parent, guardian, or other authorized legal representative of the complainant;
- ☐ A school- or department-based Title IX Coordinator;
- ☐ The district's Title IX Officer;
- ☐ Any student or employee; or
- ☐ Any other person participating or attempting to participate in a district education program or activity at the time of the alleged sex discrimination.

If an individual wishes to file a sex-based discrimination complaint, but does not fit this definition, they

should use the process for students in [Procedure 3210P](#), Nondiscrimination, or the process for employees or applicants in [Procedure 5010P](#), Affirmative Action and Nondiscrimination.

If a person filed a complaint of sex-based harassment but does not have the right to make that type of complaint, the district's Title IX/Civil Rights Compliance Officer or the school- or department-based Title IX Coordinator will inform the person, in writing, that the district cannot proceed with an investigation. The notice will also state that the district will treat the complaint as a report of sex-based harassment and take steps, as necessary, to address the information to the extent that it is feasible to do so while maintaining the confidentiality of the affected student or district employee.

2. Determining What Procedure Applies

The district's Title IX/Civil Rights Compliance Officer will determine what procedure applies. If the sex discrimination alleged occurred prior to August 1, 2024, and is not ongoing, the Title IX Officer will inform the affected student or district employee of the policies and procedures in effect at the time of the alleged discriminatory act or conduct and proceed accordingly under those.

If the alleged sex-based discriminatory act or conduct occurred on or after August 1, 2024, this procedure will apply.

When ongoing sex-based harassment is alleged, the district will consider the totality of circumstances and, therefore, will look at all incidents of alleged harassment and apply the policy that was in place on the date of the latest incident of harassment.

If more than one discriminatory event is alleged or other types of discrimination are alleged, the district will consider each alleged discriminatory act and may apply different policies to each event or may apply a single policy provided it is the policy that provides the highest level of due process.

C. Other Considerations

1. Students with Disabilities

If either party is a student with a disability, the district's Title IX Officer or the program administrator will consult with one (1) or more members, as appropriate, of the student's Section 504 or Individualized Education Program (IEP) team to determine how to comply with Section 504 and IDEA requirements throughout the implementation of this grievance procedures.

2. Discipline Prohibit Until Determination

A respondent who is accused of sex discrimination under Title IX is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. The

district may not impose any disciplinary sanctions or other actions that are not supportive measures against the respondent until the district has determined that the respondent was responsible for the sex discrimination at the conclusion of the grievance process.

3. Emergency Removals for Alleged Sex-Based Harassment under Title IX

The district may remove a student respondent from school on an emergency basis consistent with district [Policy 3300](#) and [Procedure 3300P](#), Student Discipline and the associated student discipline regulations for emergency exclusion provided that the district:

- ☐ (1) Undertakes an individualized safety and risk analysis;
- ☐ (2) Determines that an imminent and serious threat to the health or safety of a complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal; and
- ☐ (3) Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

Such removal does not modify any rights of students under the Individuals with Disabilities Education Act, [20 U.S.C. 1400 et seq.](#), Section 504 of the Rehabilitation Act of 1973, [29 U.S.C. 794](#), or the Americans with Disabilities Act of 1990, [42 U.S.C. 12101 et seq.](#)

The district may also place an employee Respondent on administrative leave from employment responsibilities during the grievance process. Such leave does not modify any rights under Section 504 of the Rehabilitation Act of 1973, [29 U.S.C. 794](#), or the Americans with Disabilities Act of 1990, [42 U.S.C. 12101 et seq.](#)

IV. Informal Resolution

If a report or notice provided to the district alleges sex discrimination by an individual or group of individuals, the parties may elect to participate in an informal resolution process with the school- or department-based Title IX Coordinator trained on impartiality and the district's informal resolution processes.

The purpose of informal resolution is to provide the parties with an opportunity to resolve the allegations and reach a mutually acceptable resolution without an investigation and determination of responsibility under Section V. G below.

It is not necessary to pursue informal resolution before filing a complaint and requesting an investigation under Section V below.

Either party may request informal resolution

at any time, including after a complaint has been filed but before a complaint determination is issued under Section V. G below.

The informal resolution process is at the discretion of the school- or department-based Title IX Coordinator. However, as required by federal law, the district does not allow informal resolution for allegations that an employee engaged in sex-based harassment of a district student.

The process requires the parties' voluntary, written consent. Before beginning the informal resolution process the parties must receive notice that explains:

- ☐ (1) The allegations;
- ☐ (2) The requirements for the process;
- ☐ (3) The right to withdraw from the process and to start or continue the grievance process (described in Section V) any time prior to reaching agreement;
- ☐ (4) If a resolution agreement is reached the parties will be prevented from starting or continuing the grievance process of the same allegations;
- ☐ (5) Potential terms that can be requested or offered, include but are not limited to restrictions on contact or participation in programs, activities, attendance at specific events;
- ☐ (6) Notice that any agreement is only binding on the parties; and
- ☐ (7) What information will be kept and how the district could disclose information in grievance procedures if that process is resumed.

A. Accepted Responsibility by the Respondent

The respondent may accept responsibility for any or all of the allegations at any point during the involuntary resolution process. If the respondent indicates an intent to accept responsibility for all allegations that violate district policy, the ongoing investigation process will be paused, and the school- or department-based Title IX Coordinator will determine whether informal resolution is an option.

If informal resolution is available, an informal resolution facilitator will determine whether all parties and the district are able to agree, in writing, on responsibility, restrictions, sanctions, restorative measures, and/or remedies.

This informal resolution is not subject to appeal once all parties indicate their written agreement to all resolution terms.

When a signed, written resolution agreement is reached, the superintendent will accept a finding that the respondent is in violation of the district's policy and accept

agreed-upon restrictions and remedies. The appropriate sanction(s) or responsive actions will be promptly implemented by the school- or department- based Title IX Coordinator and appropriate administrators to effectively stop the discrimination or harassment, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the complainant and the community.

When the parties or the district cannot agree on all terms of accepted responsibility by the respondent, the parties can attempt informal resolution between the parties or proceed with a complaint.

B. Informal Resolution Between the Parties

The purpose of informal resolution between the parties is to provide the parties an opportunity to reach a mutually acceptable resolution without an agreed upon finding of responsibility or an investigation and determination of responsibility under Section V. G below.

The parties will have forty-five (45) days to engage in the informal resolution process, unless there is a good cause for extension.

If a complaint was filed, the district's Title IX Officer has discretion to determine if an investigation will be paused, limited, or continued during the informal resolution process.

If the parties agree to a resolution at the conclusion of the informal resolution process, they will not be able to initiate or resume a complaint under Section V. B. concerning the same allegations.

If either party withdraws from the informal resolution process or the process has not concluded within forty-five (45) calendar days without a good cause extension, then the informal resolution facilitator or the school- or department-based Title IX Coordinator will end the informal resolution process.

When the informal resolution process ends without a resolution agreement between the parties:

- ☐ If no complaint was filed, the school- or department-based Title IX Coordinator will provide written notice to the parties and remind the complainant of the right to file a complaint.
- ☐ If a complaint was filed and the complainant has not withdrawn the entire complaint in writing, the district's Title IX Officer will provide the parties with written notice that the complaint, in whole or part, will be investigated and a determination issued under Section V. G of this procedure.

C. Mediation with the District for Complaints of General Discrimination

The district may not require the waiver of the right to an investigation and adjudication of a complaint of sex discrimination as a condition of

enrollment, employment, or enjoyment of any other right, nor may the district require the parties to participate in an informal resolution process.

If the complaint does not have an individual respondent because it concerns a policy or practice of the district, at any time during the complaint procedure, the district may, at its own expense, offer mediation. The complainant and the district may agree to extend the complaint process deadlines to pursue mediation.

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 voluntary and requires the mutual agreement of both parties. Either party may terminate mediation at any time during the mediation process. It may not be used to deny or delay a complainant's right to utilize the complaint procedures.

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 solely because they serve as a mediator.

If the parties reach an agreement through mediation, they may execute a legally binding agreement that sets forth the resolution and states that all discussions, including both verbal statements and any written notes or documents, that occurred during the course of mediation will remain confidential and privileged and may not be used as evidence in any subsequent complaint, due process hearing, or civil proceeding. However, the following will not be considered privileged and may be disclosed as necessary or required by law, such as:

- ☐ Any resulting written agreement signed by all the parties;
- ☐ Threats of violence or plans to commit or conceal a crime;
- ☐ Unreported child abuse that falls under mandatory reporting requirements; and
- ☐ Other exceptions to privilege are spelled out in Washington's Uniform Mediation Act at [RCW 7.07.050](#).

The agreement must be signed by the complainant and a district representative who has the authority to bind the district.

V. Grievance/Complaint Procedure

A. Basic Requirements of the District's Sex Discrimination Grievance Procedures

1. Equitable Treatment and No Conflicts of Interest or Bias

The district will treat complainants and respondents equitably.

The district presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

The district requires that any Title IX Officer or Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Officer, Coordinator or investigator.

2. Extension of Timeframes

The district's process allows for the reasonable extension of timeframes on a case-by-case basis when agreed to by the complainant or if exceptional circumstances related to the complaint investigation require an extension of the time limit.

3. Privacy and Personally Identifiable Information

The district will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to:

- ☐ Obtain and present evidence, including by speaking to witnesses;
- ☐ Consult with their family members or confidential resources such as medical providers, therapists, sexual assault resource centers, or others; or
- ☐ Otherwise prepare for or participate in the grievance procedures.

As stated in district [Policy 3230](#), Student Privacy, Washington State law provides that at certain ages, students attain the right to decide for themselves what records will remain confidential, even from their parents, and what activities the student will participate in.

The district must not disclose personally identifiable information (PII) obtained while complying with this procedure except in the following circumstances:

- ☐ (1) To carry out the purposes of the district's obligations under this procedure, including to investigate and take other actions to address conduct that reasonably may constitute sex discrimination in a district education program or activity;

- ☐ (2) When the district has obtained prior written consent from a person with the legal right to consent to the disclosure;
- ☐ (3) When the information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose PII is at issue;
- ☐ (4) As required by state or federal law, regulations, or the terms and conditions of a state or federal award, including a grant award or other funding agreement; or
- ☐ (5) To the extent such disclosures are not otherwise in conflict with state or federal laws, when required by state or local law, such as when there is reasonable cause to believe that a child has suffered sexual abuse ([RCW 26.44.030](#)), or when permitted under [FERPA](#), 20 U.S.C. 1232g, or its implementing regulations, 34 C.F.R. part 99.

4. Prohibition of Retaliation

Retaliation is prohibited from the district, a student, or an employee or other person authorized by the district to provide any aid, benefit, or service under the district's education program or activity. Retaliation includes student-to-student retaliation.

5. Credibility Determinations

Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

6. Relevant Evidence

The district will objectively evaluate all evidence that is relevant and not otherwise impermissible including both inculpatory and exculpatory evidence. "Relevant" means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

7. Impermissible Evidence

The following types of evidence and questions seeking that evidence are impermissible (i.e., will not be accessed or considered, except by the district to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- ☐ Evidence that is protected under a privilege recognized by federal or state law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;

- ☐ A parties' or witness' records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness unless the district obtains that parties' or witness' voluntary, written consent for use in its grievance procedures; and
- ☐ Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude a determination that sex-based harassment occurred.

B. Grievance/Complaint Process when a Complaint is Received

If the district receives a complaint under this procedure, the district's Title IX Officer will ensure the complaint is evaluated and, if appropriate, investigated.

If the Title IX Officer has a conflict of interest, they will delegate their authority to participate in this process as necessary to avoid any potential conflicts of interest.

Upon receipt of a complaint, if they have not already been offered, the Title IX Officer will offer supportive measures to both parties. If necessary, the Title IX Officer may gather additional information from the complainant to understand the parties involved, the conduct allegedly constituting sex discrimination, and the date and location of the alleged incident(s), if known.

C. Dismissal of a Complaint

The district, as determined by the district's Title IX/Civil Rights Compliance Officer, may dismiss a complaint of sex discrimination if the district determines:

- ☐ The district is unable to identify the respondent after taking reasonable steps to do so.
- ☐ The respondent is not participating in the district's education program or activity and is not employed by the district.
- ☐ The complainant provided voluntary, written notice that they want to withdraw any or all of the allegations in the complaint, the Title IX Officer declines to open a complaint, and any allegations that were not withdrawn (if any), even if proven, would not constitute sex discrimination under Title IX.
- ☐ The district determines that the conduct alleged in the complaint, even if proven, would not constitute sex discrimination. Before dismissing such a complaint, the district will make reasonable efforts to clarify the allegations with the complainant.
- ☐ The district determines that the complaint lacks sufficient detail to objectively understand what sex-based discriminatory acts are alleged, and when and where they occurred. Before dismissing the complaint for lack of sufficient detail, the district will provide the complainant with notice, in writing, of what information is needed and that the district may dismiss the complaint if the information is not received within ten (10) calendar days. Such a dismissal will not prevent the complainant from filing other complaints in the future.

Upon dismissal, the district will promptly notify the complainant of the basis for the dismissal in writing. If the dismissal occurs after the respondent has been notified of the allegations, then the district will also simultaneously notify the respondent of the dismissal and the basis for the dismissal.

The district will provide the complainant with notice of the opportunity to appeal the dismissal of a complaint within ten (10) calendar days of the dismissal decision by submitting a written notice of appeal to:

Dr. Ian Saltzman
Superintendent
3900 Broadway
Everett, WA 98201
(425) 385-4018
superintendent@everettsd.org

The dismissal notice will also specify that the dismissal may be appealed based on the following:

- ☐ Procedural irregularity that would change the outcome;
- ☐ New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and/or
- ☐ The Title IX Officer or decisionmaker had a conflict of interest or bias for or against either party that would change the outcome.

When a complaint is dismissed, the district will, at a minimum:

- ☐ Offer supportive measures to the complainant as appropriate;
- ☐ Offer supportive measures to the respondent, as appropriate, if the respondent was notified of the allegations; and
- ☐ Take other appropriate prompt and effective

steps to ensure that sex discrimination does not continue or recur within the district's education program or activity.

Dismissal does not preclude action under another district policy or procedure.

D. Dismissal Appeal Process

If the dismissal is appealed, the district will use the Level Two Appeal as described in Section V. H for the appeal of the dismissal.

The district will notify the parties of any dismissal appeal, including notice of the allegations, if notice was not previously provided to the respondent.

- ☐ Implement appeal procedures equally for the parties;
- ☐ Ensure that the decisionmaker for the appeal (1) has been trained consistent with the Title IX regulations and (2) did not take part in any investigation of the allegations or the dismissal of the complaint;
- ☐ Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- ☐ Notify the parties of the result of the appeal and the rationale for the result.

E. Notice of Allegations

The district will acknowledge receipt of the formal complaint by providing the following written notice to the parties:

- ☐ A copy of the district's sex discrimination complaint procedure and, if appropriate, any informal resolution process available.
- ☐ Notice of the allegations of sex discrimination available at the time of the notice with sufficient information to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s), if known.
- ☐ A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of the evidence and, upon request, an equal opportunity to access such evidence.
- ☐ Notice that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility for alleged sex discrimination is made at the conclusion of the investigation process.
- ☐ Notice of the district's prohibition of retaliation

and any provision in student conduct policies and procedures that prohibit false statements or submitting false information.

The district may consolidate complaints of sex discrimination against more than one (1) respondent, or by more than one (1) complainant against one (1) or more respondents, or by one (1) party against another party when the allegations of sex discrimination arise out of the same facts or circumstances. However, the district will not consolidate complaints if consolidation violates the [FERPA](#) and the district has not obtained prior written consent from the parents or eligible students to the disclosure of their education records. This determination will be made on a case-by-case basis.

If, in the course of an investigation, the district decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, the district will notify the parties of the additional allegations.

F. Investigation

The district will provide for adequate, reliable, and impartial investigation of a complaint. The investigator must be trained, impartial, and without a conflict of interest or bias for or against either party.

1. Time for Investigation

A decision based on a prompt, thorough, and effective investigation will be issued within thirty (30) days of the complaint, unless the parties agree or there are exceptional circumstances related to the complaint that warrant an extension. In the event an extension is needed, the district will provide written notice to the parties of the reason for the extension and the anticipated response date within the following thirty (30) days (and for every thirty (30) days after that) until a decision is issued.

2. Standard of Proof

The district adopts preponderance of the evidence as the standard of proof it will use in reaching decisions regarding complaints. The burden is on the district—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

3. Investigation Requirements

Once an investigation is started, the Title IX Officer will appoint an investigator(s) to conduct it. The investigators may be any properly trained investigator. The district's investigator can be the Title IX Officer, another investigator, the district's superintendent, or someone hired by the district.

The investigation of a sex discrimination complaint must:

- ☐ Include a prompt and thorough investigation into the allegations in the complaint.

- ☐ Ensure that the district bears the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility.
- ☐ Provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible.
- ☐ Review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.
- ☐ Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- ☐ Provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible. This process is described below.
- ☐ Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by a parent, guardian, legal representative, or other adult of their choice.

The district may not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting or assisting in their professional capacity and made and maintained in connection with the provision of treatment to the party unless the district obtains the party's voluntary, written consent to do so.

4. Witness' and Parties' Rights

Student complainants, respondents, and witnesses, and witnesses from outside the district's community cannot be required to participate in investigation or resolution processes but are encouraged to cooperate with the district's investigations and to share what they know about a complaint.

Staff (not including complainant and respondent) are required to cooperate with and participate in the district's investigation and resolution process. If an employee represented by a union reasonably concludes that discipline could result from information provided during an interview, the employee shall be entitled to union representation during the interview. If the employee reasonably determines during the interview that discipline could result, the interview shall be suspended until representation is available.

5. Review of Evidence Prior to Determination

At least ten (10) days prior to a determination regarding responsibility, the district shall provide the parties with a report that provides equal written notice as to the findings of the investigation and provides a fair summary of any relevant evidence that is directly related to the allegations raised in the complaint and obtained as part of the investigation. The notice shall inform the parties that:

- ☐ The report findings will be provided to the superintendent or an alternate, appropriately trained decision maker if the superintendent was the investigator.
- ☐ They are being given an accurate description of the evidence and, upon request, they have an equal opportunity to inspect and review relevant and not otherwise impermissible evidence.
- ☐ They have ten (10) days from receipt of the notice to review the description of the evidence, request to review the evidence, and submit a written response for the decisionmaker to consider prior to making a decision.
- ☐ Both parties are being given an equal opportunity to ask specific, relevant questions about the evidence or identify areas where they believe further investigation is necessary.
- ☐ Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant unless they are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or unless they concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

If the parties request to inspect and review the relevant evidence, the district will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures.

Disclosures of information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized. However, the district may redact information if it has not received voluntary, written consent to disclose information that is privileged or was made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional made in connection with the provision of treatment to the party.

G. Level One – Superintendent's Response and Decision

At the conclusion of the investigation and within thirty (30) calendar days of receipt of the complaint, the superintendent or designee must

issue a written determination of responsibility regarding the alleged sex discrimination.

Prior to issuing a decision, the district's superintendent or designee will objectively review all evidence gathered in the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

If the investigator was not the district's superintendent or designee, nothing in this procedure prohibits them from making findings or recommending any decision or remedies. However, the district's superintendent or designee will not be bound by the recommendations and is responsible for the determination of responsibility and remedies, if any. The district's superintendent or designee may also question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination prior to issuing their determination.

The decision will be issued within 30 days unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, the district will provide written notice to the parties and the anticipated response date.

1. Determination of Whether Sex Discrimination Occurred

After an investigation and evaluation of all relevant and not otherwise impermissible evidence, the superintendent or designee will use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.

The superintendent must issue written notice to the parties at the same time. The written notice must include:

- ☐ Identification of the allegations potentially constituting sex discrimination under Title IX regulations;
- ☐ Findings supporting the determination;
- ☐ An application of the district's policy prohibiting sex discrimination to the facts and a statement of conclusion as to whether a preponderance of the evidence substantiated that the complainant was subjected to sex discrimination;
- ☐ If sex discrimination was substantiated, then the decision must also include a determination regarding responsibility, any disciplinary or other sanctions imposed on the respondent, and

whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the complainant; and the corrective measures the district deems necessary, including assurance that the district will take steps to prevent recurrence and remedy its effects on the complainant and others, if appropriate; and

- ☐ Notice of the parties' right to appeal to the school board and the necessary filing information.

At the time the district responds to the parties, the district must send a copy of the response to the Office of the Superintendent of Public Instruction (OSPI).

Any corrective measures deemed necessary will be instituted as quickly as possible, but in no event more than thirty (30) days after the superintendent or designee mailed a written decision unless a student is appealing the imposition of discipline and the district is barred by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded.

Staff may also pursue complaints through the appropriate collective bargaining agreement process or anti-discrimination policy.

2. Disciplinary Sanctions and Remedies

Following a determination that sex-based harassment occurred, the district may impose disciplinary sanctions. "Disciplinary sanctions" means consequences imposed on a respondent following a determination under these grievance procedures that the respondent violated the recipient's prohibition on sex discrimination. Disciplinary sanctions against students will be in accordance with district [Policy 3300](#) and [Procedure 3300P](#), Student Discipline. Disciplinary sanctions against employees will be in accordance with [Policy 5270](#), Disciplinary Action and Discharge.

The district may also provide remedies. "Remedies" means measures provided, as appropriate, to a complainant or any other person the district identifies as having had their equal access to the recipient's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the recipient's education program or activity after a recipient determines that sex discrimination occurred.

Remedies may include but are not limited to:

- ☐ A continuation of supportive measures.
- ☐ Referrals to counseling, health services, or the Employee Assistance Program.
- ☐ Course and registration adjustments, such as retroactive withdrawals or changes in schedules.
- ☐ Education to the individual and/or the community.

- ☐ Permanent or temporary alteration of work arrangements for employees.
- ☐ Provision of school safety escorts.
- ☐ Climate surveys.
- ☐ Policy modification and/or training.
- ☐ Implementation of long-term contact limitations between the parties.
- ☐ Implementation of adjustments to academic deadlines, course schedules, etc.

H. Level Two – Appeal to the Board of Directors

If a complainant or respondent(s) disagrees with the superintendent's or designee's written decision, the disagreeing party may appeal the decision to the district's board of directors or a board designee by filing a written notice of appeal with the secretary of the board within ten (10) calendar days following the date upon which the complainant received the response.

1. Notice of Appeal and Hearing

If the complaint involves a named Respondent, the district will implement appeal procedures equally for both parties and provide written notice to the other party when an appeal is filed.

The board shall schedule a hearing to commence by the twentieth (20th) calendar day following the filing of the written notice of appeal unless otherwise agreed to by the complainant and the superintendent or for good cause.

2. Appeal Decisionmaker

The board's appeal must be heard by an individual or group of individuals who are impartial and do not have any conflicts or bias for any of the parties. The board directors hearing the appeal must also be trained consistent with the requirements of Title IX, a federal law, for appeal decisionmakers of sex discrimination.

The board may delegate its authority for the hearing/ decision-making to an individual or group. However, the board cannot delegate its authority to the superintendent or anyone under the superintendent's authority. The board will also ensure that the appeal hearing officer/ decisionmaker for the appeal is not an employee of the district, nor the same decisionmaker who reached the determination regarding responsibility or dismissal, the investigator, or the Title IX Officer. An appeal hearing officer/decisionmaker for the appeal is not considered an employee of the district solely because they receive payment to serve as the appeal hearing officer/decisionmaker for the appeal.

3. The Appeal/Hearing Process

All parties will be allowed a reasonable, equal opportunity

to present such witnesses and testimony as the board or its designee deems relevant and material in support of or challenging the outcome of the initial determination.

Unless otherwise agreed to by the appellant(s), the board or its designee will render a written decision within thirty (30) calendar days following the filing of the notice of appeal and provide the complainant with a copy of the decision. The decision of the board 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 of the Civil Rights Act.

The decision will include notice of the complainant's right to appeal to OSPI and will identify where and to whom the appeal must be filed. The district will send a copy of the appeal decision to OSPI.

I. Level Three - Complaint to the Superintendent of Public Instruction

If the complainant or respondent disagrees with the decision of the board of directors or its designee, or if the district fails to comply with this procedure, the complainant may file a complaint with OSPI.

A complaint must be received by OSPI on or before the twentieth (20) calendar day following the date upon which the complainant received written notice of the board of directors' decision unless OSPI grants an extension for good cause complaints may be submitted by mail, fax, electronic mail, or hand delivery.

A complaint must be in writing and include:

- ☐ (1) A description of the specific acts, conditions, or circumstances alleged to violate applicable anti-discrimination laws;
- ☐ (2) The name and contact information, including address, of the complainant;
- ☐ (3) The name and address of the district subject to the complaint;
- ☐ (4) A copy of the district's complaint and appeal decision, if any; and
- ☐ (5) A proposed resolution of the complaint or relief requested.

If the allegations regard 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.

Upon receipt of a complaint, OSPI may open 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 [Chapter 392-190 WAC](#) 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.

J. Level Four - Administrative Hearing

A complainant or school district that desires to appeal the written decision of OSPI 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 Procedure Act, [Chapter 34.05 RCW](#).

VI. Definitions of Prohibited Conduct

The sections below describe the specific forms of legally prohibited sex discrimination, sex-based harassment, and retaliation that are also prohibited under district policy. Speech or conduct protected by the First Amendment will not be considered a violation of the district's policy, though supportive measures will be offered to those impacted.

All offense definitions below encompass actual and/or attempted offenses.

"Consent," as defined in this policy, must be affirmative and consistent with [RCW 28A.300.475](#). "affirmative consent means a conscious and voluntary agreement to engage in sexual activity as a requirement before sexual activity."

"Sex discrimination" means discriminatory different treatment with respect to a person's employment or participation in a district education program or activity based on sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. There are three types of sex discrimination, which are defined

below: (A) different (or disparate) treatment, (B) disparate impact, and (C) sex-based harassment.

A. "Different (or disparate) treatment discrimination" means any intentional differential treatment of a person or persons that is based on a person's actual or perceived sex and that:

- ☐ Excludes a person from participation in;
- ☐ Denies a person benefits of; or
- ☐ Otherwise adversely affects a term or condition of a person's participation in a recipient program or activity.

B. "Disparate impact discrimination" means policies or practices that appear to be neutral unintentionally result in a disproportionate impact on the basis of sex that:

- ☐ Excludes a person from participation in;
- ☐ Denies a person benefits of; or
- ☐ Otherwise adversely affects a term or condition of a person's participation in a recipient program or activity.

C. "Sex-based harassment" is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of:

- ☐ sex stereotypes;
- ☐ sex characteristics;
- ☐ pregnancy or related conditions;
- ☐ sexual orientation; and
- ☐ gender identity.

There are different types of sex harassment, including "quid pro quo harassment," "hostile environment harassment," and certain specific sexual offenses defined further below.

1. "Quid pro quo harassment" means an employee, agent, or other person authorized by the district to provide an aid, benefit, or service under the district's education program, or an activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.
2. "Hostile environment harassment" is defined as unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that

it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (i.e., creates a hostile environment).

Because students and employees 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. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- ☐ (1) The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
- ☐ (2) The type, frequency, and duration of the conduct;
- ☐ (3) The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- ☐ (4) The location of the conduct and the context in which the conduct occurred; and
- ☐ (5) Other sex-based harassment in the recipient's education program or activity.

3. "Sexual assault" means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. This includes:

- a. Rape: Penetration by the respondent, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of the respondent, without the consent of the complainant.
- b. Fondling: The touching of the private body parts of the complainant (buttocks, groin, breasts) by the respondent, for the purpose of sexual gratification, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of their age or because of a temporary or permanent mental or physical incapacity.
- c. Sodomy: Oral or anal penetration, of the complainant by the respondent without the consent of the complainant, including instances where the complainant is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- d. Sexual assault with an object: Respondent's use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of the complainant, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of

their age or because of their temporary or permanent mental or physical incapacity.

- e. Statutory rape: Sexual intercourse, with a person who is under the statutory age of consent, a person who is under age 16 OR a person under the age of 18 (16 or 17) if the other person is more than 5 years (60 months) older than them.
- f. Incest: Sexual intercourse between persons who are related to each other, within the degrees wherein marriage is prohibited by Washington State law.

4. "Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship, (2) the type of relationship, and (3) the frequency of interaction between the persons involved in the relationship.

5. "Domestic violence" means felony or misdemeanor crimes committed by a person who:

- ☐ Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the district, or a person similarly situated to a spouse of the victim;
- ☐ Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- ☐ Shares a child in common with the victim; or
- ☐ Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

6. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

Under state law, sex-based harassment may also be:

- ☐ 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.

D. “Retaliation” means intimidation, threats, coercion, or discrimination against any person for the purpose of interfering with any right or privilege secured by Title IX or this procedure or because the person reported information, made a complaint, was a witness or provided information, assisted, or participated or refused to participate in any manner in an investigation or appeal under Title IX or this process.

VII. Other Complaint Options

Office for Civil Rights (O.C.R.), U.S. Department of Education

O.C.R. enforces several federal civil rights laws, which prohibit discrimination in public schools on the basis of race, color, national origin, sex, disability, and age. File complaints with O.C.R. within 180 calendar days of the date of the alleged discrimination.

206-607-1600 | TDD: 1-800-877-8339 | OCR.
Seattle@ed.gov | www.ed.gov/ocr

Washington State Human Rights Commission (WSHRC)

WSHRC enforces the Washington Law Against Discrimination (RCW 49.60), which prohibits discrimination in employment and places of public accommodation, including schools. File complaints with WSHRC within six months of the date of the alleged discrimination.

1-800-233-3247 | TTY: 1-800-300-
7525 | www.hum.wa.gov

For Complaints Involving Employee-on-Employee Conduct:

Equal Employment Opportunity Commission (EEOC)
Seattle Field Office
Federal Office Building
909 First Avenue, Suite 400
Seattle, WA 98104-1061
Phone 1-800-669-4000
Fax 206-220-6911
TTY 1-800-669-6820
ASL Video Phone 844-234-5122

Procedure

3205P.2 ▼

Sex Discrimination and Harassment of Students Prohibited—Implementation Procedure

This procedure is intended to set forth the requirements of [Policy 3205](#) and [Policy 5160](#) to specify the district’s obligations with respect to establishing an educational and work environment that does not tolerate sex discrimination, including sex-based harassment.

“Sex discrimination” means discrimination on the basis of sex, sex stereotypes, sex characteristics, sexual orientation, gender identity, gender expression, pregnancy, or related conditions. Sex-based harassment is a form of sex discrimination.

The district prohibits sex discrimination, including sex-based harassment, of students by other students, employees, or third parties involved in school district activities.

The district also prohibits sex discrimination in the policies, procedures, and practices of the district’s program and activities, including but not limited to counseling and guidance services, recreational and athletics activities, and access to course offerings.

I. District Notice and Information

Publication of Notices

Information about [Policy 3205](#) and this procedure will be clearly stated and:

- ☐ Conspicuously posted on the district’s website;
- ☐ Conspicuously posted throughout each school building;
- ☐ Provided to each employee; and
- ☐ Reproduced in each student, staff, volunteer, and parent handbook.

Such notices will:

- ☐ Include a statement that the recipient does not discriminate on the basis of sex and prohibits sex discrimination and sex-based harassment in any education program or activity that it operates, as required by the State and Federal law Title IX, including employment;
- ☐ State that inquiries about the application of

Title IX may be referred to the district's Title IX Officer, the Office for Civil Rights, or both;

- ☐ Identify the district's Title IX Officer and provide contact information, including their name or title, office address, email address, and telephone number;
- ☐ Include how to locate the district's sex discrimination policy and grievance procedures;
- ☐ Include how to report information about conduct that may constitute sex discrimination; and
- ☐ Include how to make a complaint of sex discrimination.

If necessary, due to the format or size of any publication, the district may instead include in those publications a statement that the district prohibits sex discrimination, including sex-based harassment, in any education program or activity that it operates. It will also state that individuals may report concerns or questions to the Title IX Officer and provide the location of the notice described above on the district's website.

In addition, copies of [Policy 3205](#) and this procedure, including the policies relating to employees, will be posted on the district website and in each district building in a place accessible to staff, students, parents, volunteers, and visitors.

At a minimum, sex discrimination, including sex-based harassment, recognition and prevention, and the elements of [Policy 3205](#) will be included in staff, student, and regular volunteer orientation.

Information about the district's sex discrimination and sex-based harassment policy will be easily understandable and conspicuously posted throughout each school building, provided to each employee, and reproduced in each staff, volunteer and parent handbook.

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:

- ☐ Pressuring a person for sexual favors.
- ☐ Writing graffiti of a sexual nature on school property.
- ☐ Distributing or displaying sexually explicit texts, emails or pictures.

- ☐ Making unwelcome, offensive or inappropriate sexual comments, gestures, or jokes.
- ☐ Making unwelcome comments about someone based on their sex, appearance, sexual orientation or gender identity or expression.
- ☐ Unwelcome touching of a sexual nature or stalking a person.
- ☐ Physical violence, including rape, sexual assault, dating violence, and domestic violence.

II. The Title IX Team

For the purposes of this section, the Title IX Team refers to the Title IX Officer, school- or department-based Title IX Coordinators, investigators, decisionmakers, appeal decisionmakers, informal resolution facilitators, and people with the authority to modify or terminate supportive measures.

A. Roles of Members of the Title IX Team

Any individual designated with any of the following roles must not have a conflict of interest or bias for or against any of the parties:

The district's Title IX Officer is the person authorized by the superintendent to coordinate the district's federal state and sex discrimination and sex-based harassment regulation compliance efforts.

The district's Title IX Officer is:

Dr. Chad Golden
Assistant Superintendent Human Resources
3900 Broadway, Everett, WA 98201
425-385-4100
cgolden@everettsd.org

The person with authority to modify or terminate supportive measures is an impartial employee and someone other than the employee who made the challenged supportive measure decision. They have the authority to modify or reverse a decision to provide, deny, modify, or terminate any supportive measure upon request of a party. Their decision will be based on a determination that the initial supportive measure decision the supportive measure was inconsistent with the definition of supportive measures under Title IX at [34 CFR 106.2](#) and [Procedure 3205.1P](#).

An informal resolution facilitator is a person who has received the training provided to all employees. They must also be trained on the rules and practices associated with the district's informal resolution process(es) and on how to serve impartially, including avoiding conflicts of interest and bias. Any district designee, which will typically be the school- or department-based Title IX Coordinator, for the informal resolution process cannot

be the complaint investigator, decision-maker, or appeal decision-maker. Such designee must not have a conflict of interest or bias for or against either of the parties. However, a district designee for the informal process will not be considered biased solely because they are an employee of the district or are paid to serve as a facilitator in an informal resolution process.

An investigator is a person who is impartial and has been trained to investigate compliance with the district's sex discrimination grievance process as described in this procedure. The investigator can be the same person who serves as the Title IX Officer or the decisionmaker of the sex discrimination complaint.

The decisionmaker is the superintendent or a designee that reaches the final determination of responsibility for alleged Title IX sex discrimination, including sex-based harassment, will be the superintendent or their designee. The decisionmaker can be the same person who serves as the district's Title IX Officer or the investigator of the sex discrimination complaint.

The appeal decisionmaker will be a member of the school board or a school board designee and cannot be the superintendent or an employee of the district.

B. Training for the Title IX Team

All investigators, decisionmakers, employees with authority to modify or terminate supportive measures, and other employees responsible for implementing the recipient's grievance procedures must be trained on the following topics to the extent related to their responsibilities:

- ☐ The definition of sex-based harassment under Title IX and state law;
- ☐ The scope of the district's education program or activity;
- ☐ How to conduct an investigation, the grievance process, and the informal resolution process;
- ☐ How to serve impartially;
- ☐ Their responsibilities under [Chapter 392-190 WAC](#); and
- ☐ How to raise awareness of and eliminate bias based on sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal.

Investigators must also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

The decisionmaker and appeal decisionmaker must also receive training on issues of relevance of questions and evidence, including the requirement that questions and evidence about a complainant's sexual predisposition or prior sexual conduct are not relevant unless 1) such questions and evidence are offered to prove that someone other than the respondent committed the alleged conduct or 2) questions and evidence concerning specific incidents of the complainant's prior sexual behavior with respect to the respondent is offered to prove consent.

Appeal decisionmakers must also receive training on any technology to be used during in-person or virtual hearings.

In addition to training requirements for all employees described above, the district's Title IX Officer, school- and department-based Title IX Coordinators, and any designees under the Title IX Officer must be trained on:

- ☐ The responsibilities of the Title IX Officer;
- ☐ Specific responsibilities for ensuring equal opportunity to pregnant and parenting students;
- ☐ The provision of supportive measures;
- ☐ The district's recordkeeping requirements; and
- ☐ Any other training necessary to coordinate the recipient's compliance with Title IX.

III. Compliance Responsibilities

The district's Title IX Officer's name, title, office address, telephone number, and email address must be available on the district website, in handbooks/catalogs that are made available to staff, students, and parents, and in the district's nondiscrimination statement.

The Title IX Officer will inform the district community, including people who report sex discrimination, of the district's responsibilities under [Policy 3205](#) and related policies and procedures. These include policies for pregnant and parenting students ([Policy 3211](#)), gender-inclusive schools ([Policy 3213](#)), and district employees ([Policy 5160](#)) to comply with its obligations under state and federal laws, including Title IX, and to create inclusive and welcoming school communities.

The Title IX Officer will ensure the district has a process for facilitation of supportive measures for all students, staff, and people attempting to enroll or participate in district programs that report sex discrimination. In addition to the Title IX Officer, the process for supportive measures will include another district employee who is not a subordinate of the Title IX Officer to address requests for rescinding or modifying supportive measures.

The Title IX Officer will ensure the district has a process and system in place to provide support and modifications to pregnant and parenting students,

staff, and people attempting to enroll or participate in district programs that report being pregnant or having pregnancy-related conditions.

The Title IX Officer will annually:

- ☐ (1) Monitor the district's education program or activity for barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX or this part; and
- ☐ (2) Take steps reasonably calculated to address such barriers.

When notified of conduct that reasonably may constitute sex discrimination under Title IX, Washington State law, or the district's policies, the Title IX Officer must take the following actions to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrence, and remedy its effects:

- ☐ Treat the complainant and respondent equitably.
- ☐ Offer and coordinate supportive measures, as appropriate, for the complainant.
- ☐ Offer and coordinate supportive measures, as appropriate, for the respondent if the district has initiated grievance procedures or offered an informal resolution process to the respondent.
- ☐ Notify the complainant or, if the complainant is unknown, the individual who reported the district's grievance procedures under [Procedure 3205P.1](#) and the informal resolution process, if available and appropriate.

If a complaint is initiated under the grievance procedures, the Title IX Officer will:

- ☐ Evaluate the complaint and, as appropriate, initiate the grievance procedures under [Procedure 3205P.1](#) or other applicable procedures;
- ☐ Describe and offer the informal resolution process under the same, if available and appropriate; and
- ☐ Notify the respondent of the grievance procedures, if appropriate and applicable.

In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and the absence or termination of an informal resolution process, the Title IX Officer will determine whether to initiate a complaint of sex discrimination that complies with the grievance procedures under [Procedure 3205.P.1](#). To make this fact-specific determination, the Title IX Officer must consider, at a minimum, the following factors:

- ☐ (1) The complainant's request not to proceed with a complaint;

- ☐ (2) The complainant's reasonable safety concerns regarding a complaint;
- ☐ (3) The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
- ☐ (4) The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- ☐ (5) The age and relationship of the parties, including whether the respondent is an employee of the recipient;
- ☐ (6) The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- ☐ (7) The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
- ☐ (8) Whether the district could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures under [Procedure 3205P.1](#).

If, after considering these and other relevant factors, the Title IX Officer determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other person or that the conduct as alleged prevents the recipient from ensuring equal access on the basis of sex to its education program or activity, the Title IX Officer may initiate a complaint.

When there has been a determination of responsibility for sex discrimination, the Title IX Officer and the school- or department-based Title IX Coordinator will ensure that any corrective measures and remedial actions deemed necessary will be instituted as quickly as possible, but in no event more than thirty (30) days after the superintendent mailed a written decision unless a student is appealing the imposition of discipline and the district is barred by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded. Staff may also pursue complaints through the appropriate collective bargaining agreement process or anti-discrimination policy.

IV. District Staff responsibilities

Any staff member who witnesses or receives a report or complaint about sex discrimination, including sex-based harassment, is responsible for informing their building principal or department supervisor, the building or

department Title IX Coordinator or the district's Title IX/Civil Rights Compliance Officer. The school principal, department supervisor, or the building or department Title IX Coordinator will immediately inform: 1) the district's Title IX/Civil Rights Compliance Officer so that the district can appropriately respond to the incident consistent with its own grievance procedures; and, if necessary, 2) law enforcement. All staff are also responsible for directing reporters to the complaint process.

In the event of an alleged sexual assault, the principal or department supervisor will notify the targeted student(s) and their parents/guardians of their rights under the district's sexual harassment policy and procedure and the right to file a criminal complaint and a sexual harassment complaint simultaneously.

Any district employee who is informed by a student (or a student's parent, guardian, or legal representative) of the student's pregnancy or pregnancy-related condition must promptly:

- ☐ Provide them with the district's Title IX Officer's contact information; and
- ☐ Inform the affected student (or the student's legal representative) that the Title IX Officer can coordinate specific actions to prevent pregnancy and pregnancy-related discrimination and ensure equal access to the district's education program or activity.

Such notice does not need to be provided if the employee reasonably believes that the Title IX Officer has already been notified.

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

Employees who are mandatory reporters must also report allegations of criminal misconduct to law enforcement, and suspected child abuse must be reported to law enforcement or Child Protective Services (CPS).

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.

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. Regardless of

whether a formal complaint is filed, the district must take prompt and effective steps reasonably calculated to end harassment, eliminate the hostile environment, prevent its recurrence, and as appropriate, remedy its effects.

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.

V. Training and orientation

A fixed component of all district newly hired employees, and annual orientation sessions for staff, students and regular volunteers will introduce the elements of this procedure, the district's grievance procedures, and the corresponding policy.

Staff will be provided information on recognizing and preventing sex discrimination including sex-based harassment. Staff will be fully informed of their responsibilities when on notice of sex discrimination, the district's complaint procedures, and their roles and responsibilities under the policy and procedure.

All employees must receive training on the district's obligations under federal, state, and local laws and regulations, and district policy and procedures prohibiting sex discrimination, including those related to pregnancy or pregnancy-related conditions or marital or parental status. The training shall include, at a minimum:

- ☐ Employees' obligations to provide notice of the Title IX Officer as discussed above;
- ☐ The district's prohibition of sex discrimination, including prohibitions of harassment of students and staff based on sexual orientation, gender identity, gender expression, pregnancy, pregnancy-related conditions, and marital or pregnancy status; and
- ☐ The district's policy prohibition of retaliation against a student or staff member for exercising these rights, including imposing or threatening to impose negative educational outcomes because a student

requests leave or accommodation, files a complaint, or otherwise exercises their rights under the policy.

Professional school personnel, including but not limited to certificated staff, will be reminded of their legal responsibility to report suspected child abuse and how some allegations of sex-based harassment may implicate that responsibility. Regular volunteers will get the portions of this component of orientation relevant to their rights and responsibilities.

VI. Policy and procedure review

Annually, the superintendent or designee and the district's Title IX Officer 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.

VII. Investigation Recordkeeping

The district will maintain, for a period of at least seven (7) years, the following records:

- ☐ All materials used to train employees, the district's Title IX Officer, school- or department-based Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process for the district and make such materials available upon request.
- ☐ Records of any actions, including supportive measures, taken in response to a report of sex-based harassment under Title IX, even if no complaint is filed.
- ☐ Records of any informal resolution and the result.
- ☐ Records of each sex discrimination investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript; any disciplinary sanctions imposed on the respondent and any remedies provided to the complainant; and any appeal from the result of a determination regarding responsibility.

Social Emotional Climate

Policy 3401 ▼

Everett Public Schools supports and promotes school and school district action plans that create, maintain, and nurture physically, emotionally, and intellectually safe, respectful, and positive school and classroom environments that foster equitable, ethical, social, emotional, and academic education for all students.

Everett Public Schools believes that each and every school community member should be treated with dignity, should have the opportunity to learn, work, interact, and socialize in physically, emotionally, and intellectually safe, respectful, and positive school and classroom environments, and have the opportunity to experience high quality relationships.

The board recognizes that there is not one best way to improve school climate. Each school needs to consider its history, strengths, and needs. The board further recognizes the important role that students, families, and community members play in collaborating with the school and school district in creating, maintaining, and nurturing a positive social and emotional school and classroom climate. This collaborative role extends to the planning, implementation, and continuous improvement process around school climate and social emotional learning.

The superintendent or designee shall develop procedures which provide a framework for an effective climate improvement process, including a continuous cycle of 1) planning and preparation, 2) evaluation, 3) action planning, and 4) implementation. This framework shall be aligned with the social emotional learning standards and benchmarks developed by the social emotional learning committee created under [RCW 28A.300.477](#).

Procedure

3401P ▼

Definitions

For the purposes of social emotional climate, the following definitions will apply:

- ☐ Classroom climate refers to the prevailing mood, attitudes, standards, and tone that the educator and students feel when they are in the classroom. A positive classroom climate feels safe, respectful, welcoming, and supportive of student learning.
- ☐ Community partners include youth and family

service organizations, after-school and summer programs, youth leadership initiatives, youth employment and apprenticeships, mental and behavioral health organizations, and community sports and arts organizations.

- ☐ Cultural responsiveness draws upon students; unique strengths and experiences while orienting learning in relation to individuals' cultural context.
- ☐ Educators refers to in-school and out-of-school staff providing instruction and support to students.
- ☐ Equity means that each child receives what they need to develop their full academic and social potential.
- ☐ Equity-focused refers to strategies aimed at improving equity in experiences and outcomes for all students and adults, across race, gender identity, ethnicity, language, disability, sexual orientation, family background, family income, and other characteristics.
- ☐ Multi-Tiered System of Support (MTSS) is a framework for enhancing the adoption and implementation of a continuum of evidence-based practices to achieve important outcomes for every student. MTSS involves team-based leadership; continuous data-based decision-making; student, family, and community engagement; and the delivery of a continuum of evidence-based instruction and support.
- ☐ Planning team will lead the process of planning, implementing, and improving social emotional learning and the school climate. This team should be made up of educational staff and varied stakeholders.
- ☐ Positive school climate is a safe, supportive, and equitable learning environment that will call on adults to:
 - Engage in practices that affirm diverse social and cultural identities.
 - Cultivate a sense of belonging and community.
 - Provide structures for physical and emotional safety.
 - Use engaging, relevant, and culturally responsive instruction built on an understanding of how children and adolescents grow and develop socially, emotionally, and academically.
 - Create space for student voice and agency.
 - Offer frequent opportunities for students to discuss and practice anti-racism and develop collaborative solutions to address inequities.

- Provide tiered supports that meet the needs of all students.
- Train adults to model and nurture attitudes that emphasize the benefits and satisfaction from learning.

- ☐ Social and emotional learning (SEL) is a process through which individuals build awareness and skills in managing emotions, setting goals, establishing relationships, and making responsible decisions that support success in school and in life.
- ☐ School climate surveys are scientific measures that evaluate a range of aspects of the educational environment to assess perceptions and identify specific strengths and weaknesses within a school. The goal of these measures is to gain an accurate, representative picture of the school in order to improve in various targeted areas.
- ☐ School community refers to members of the broad school ecosystem including administrators, staff, students, families, community partners, and others who may be connected to the school's success.
- ☐ School leaders is used broadly to encourage schools to consider distributive leadership models that include administrators, teaching and support staff, family and community partners, students, and those who have been historically left out of school decision-making.
- ☐ Staff refers to those who work within the school building, including teachers, administrators, paraprofessionals, custodial staff, school mental health professionals, cafeteria workers, and parent liaisons, among others.
- ☐ Trauma-informed practices recognizes the unique strengths and challenges of children and youth in light of the adversities they face.
- ☐ Universal design provides a framework to improve and optimize teaching and learning for all people by removing barriers in the curriculum.

Framework of School and Classroom Climate Improvement Process

Guiding Principles and Essential Elements

The framework of the school and classroom improvement process begins with a commitment to the four guiding principles of 1) equity, 2) cultural responsiveness, 3) trauma-informed practices, and 4) universal design. Definitions of these guiding principles are included above.

The framework of the school and classroom climate improvement process includes three essential elements: 1) creating conditions to support student' SEL, 2)

building adult capacity, and 3) collaborating with the school community. Components from each of these three essential elements blend together to create the process for improving school and classroom climate.

To implement a district-wide climate improvement plan, the superintendent or designee shall:

Develop a Planning Team

- ☐ With support of district and school leaders, form a planning team or teams to coordinate school climate improvement efforts.
- ☐ A planning team should include members from the whole school community, including administrators, educational staff, students, families, community partners, and other stakeholders.
- ☐ Planning team members should reflect the diverse groups of the community.
- ☐ The district will prioritize building the capacity of the planning team by providing professional learning.

Analyze Data

- ☐ Working with members from the whole school community, including students, assess and analyze data assessment.
- ☐ Include stakeholder voice to ensure equity and honor cultural relevance.
- ☐ Use existing data, such as school climate surveys, attendance, engagement, evaluation of SEL implementation, and other feedback for initial assessment.
- ☐ Identify the most effective existing practices and the needs for improvement.
- ☐ Determine the additional types of data needed and how to collect it.
- ☐ Collect and analyze new data, including data regarding the adult SEL training and coaching.
- ☐ Plan for continuous improvement.

Develop a Strategic Communication Plan

- ☐ Determine how to disseminate information to members of the school community.
- ☐ Determine how to obtain input from school community.
- ☐ Use more than one method to communicate and collaborate.
- ☐ Use two-way communication strategies to inform, engage, and listen to members of the school community.

- ☐ Communicate that school and classroom climate and SEL are interconnected.
- ☐ Utilize feedback loops with families and communities to ensure accountability.

Develop an Integrated Improvement Action Plan

- ☐ Use the Washington SEL standards, benchmarks, and indicators.
- ☐ Building adult and student SEL competencies school wide.
- ☐ Integrate and align school climate and SEL improvement with other district and school improvement efforts to create safe, supportive, and academically effective schools.
- ☐ Determine how to include school climate improvement and SEL into other systems and routine practices, such as hiring, onboarding, monitoring, professional development, and student discipline as consistent with [Board Policy 3300](#), Student Discipline.
- ☐ Embed use of an MTSS framework with students, use SEL as a universal tier 1 support with intensified supports at all tiers.
- ☐ Integrate restorative practices that build community, celebrate accomplishments, transform conflict, rebuild, and strengthen relationships.
- ☐ Determine how to differentiate supports for different members of the school community.
- ☐ Build adult capacity in the whole school community, this might include providing resources, professional learning, time, and follow-up coaching.

Student Dress

Policy 3224 ▼

Preserving a beneficial learning environment and assuring the safety and wellbeing of all students are primary concerns of the board.

Students' choices in matters of dress should be made in consultation with their parents/guardians.

Student dress shall only be regulated when, in the judgment of school administrators, there is a reasonable expectation that:

1. A health or safety hazard shall be presented by the student's dress or appearance;

2. Damage to school property shall result from the student's dress; or
3. A material and substantial disruption of the educational process will result from the students' dress or appearance.

For the purpose of this policy, a material and substantial disruption of the educational process may be found to exist when a student's conduct is inconsistent with any part of the educational mission of the school district. Prohibited conduct includes the use of obscene, sexual, drug, alcohol or tobacco-related messages, or gang-related apparel. The superintendent shall establish procedures providing guidance to students, parents and staff regarding appropriate student dress in school or while engaging in extracurricular activities. Such procedures shall ensure that any student wearing, carrying, or displaying gang-related apparel, or exhibiting behavior or gestures which symbolize gang membership, or causing and/or participating in activities which intimidate or affect the attendance of another student shall be asked, with notice to his or her parents, to make appropriate corrections and subject to discipline if the corrections are not undertaken.

The uniforms of nationally recognized youth organizations, and clothing worn in observance of a student's religion are not subject to this policy.

Procedure

3224P ▼

The student and parent may determine the student's personal dress and grooming standards, provided that the student's dress and grooming shall not:

1. Lead school officials to reasonably believe that such dress or grooming shall disrupt, interfere with, disturb, or detract from the school environment or activity and/or educational objectives;
2. Create a health or other hazard to the student's safety or to the safety of others;
3. Create an atmosphere in which a student, staff, or other person's well-being is hindered by undue pressure, behavior, intimidation, overt gesture or threat of violence; or
4. Imply gang or identifiable hate group membership or affiliation by written communication, marks, drawing, tattoos, painting, design, and/or emblem upon any school or personal property or one's person.

The principal, in connection with the sponsor, coach, or other person in charge of an extracurricular activity,

may regulate the dress and grooming of students who participate in the activity if the principal reasonably believes that the student's dress or grooming:

1. Creates a hazard to the student's safety or to the safety of others.
2. Shall prevent, interfere with or adversely affect the purpose, direction, or effort required for the activity to achieve its goals.

If the student's dress or grooming is objectionable under these provisions, the principal shall request the student to make appropriate corrections. If the student refuses, the principal shall notify the parent and request that person to make the necessary correction. If both the student and parent refuse, the principal shall take appropriate corrective action. Students may be suspended, if circumstances so warrant. Students who violate provisions of the dress code relating to extracurricular activities may be removed or excluded from the extracurricular activity for such period as the principal may determine. All students shall be accorded due process safeguards before any student discipline may be taken.

School authorities may communicate to students and parents the apparel, identifying symbols and/or behavior that are associated with identifiable hate groups and/or gangs that may become a hazard to a student's safety or the safety of others.

Student Privacy

Policy 3230 ▼

State law provides that at certain ages, students attain the right to decide for themselves what records will remain confidential, even from their parents, and what activities the student will participate in. At age eighteen (18) students become legal adults and must approve any disclosure of information about themselves from school records ([Procedure 3600P](#)), except directory information if a request for confidentiality has not been filed.

Students at age eighteen (18) may also sign releases, authorizations, or permission slips to participate in school activities, and may sign themselves out of school and authorize their own absences.

Students between sixteen (16) and eighteen (18) who have been granted legal emancipation from their parents or guardians have the same rights as eighteen-year-old students.

Students over fourteen (14) years of age have confidentiality rights in records indicating that they have been tested or treated for a sexually transmitted disease. Students thirteen (13) years and older

have confidentiality rights in records regarding drug, alcohol, or mental health treatment.

All students have confidentiality rights in family planning or abortion records.

Student Publications

Policy 3221 ▼

Student publications produced as part of the school's curriculum or with the support of the associated student body fund are intended to serve both as vehicles for instruction and student communication. They are financed and operated by the district. Student editors of school-sponsored media, such as student newspapers, are responsible for determining the news, opinion, features, and advertising content of the media, in accordance with [Chapter 28A.600 RCW](#). Student expression in school-sponsored media is not to be deemed an expression of school or district policy.

Material appearing in student publications may reflect various areas of student interest, including topics about which there may be controversy and dissent. When engaging with a controversial issue, student publications should strive to provide in depth treatment and represent a variety of viewpoints.

The district prohibits student expression in school-sponsored media that:

- ☐ Is libelous or slanderous;
- ☐ Is an unwarranted invasion of privacy;
- ☐ Is obscene or profane, such that it would violate federal or state laws, rules or regulations or incites others to violate federal or state laws, rules or regulations, including the standards established by the federal communications act or applicable federal communication commission rules or regulations;
- ☐ Incites students so as to create a clear and present danger of the material and substantial disruption of the orderly operation of the school;
- ☐ Violates district policy or procedure related to harassment, intimidation or bullying, nondiscrimination, or other district policy or procedure or incites the violation of such policy or procedure;
- ☐ Violates other district policies or procedures or incites the violation of such;
- ☐ Violates federal or state laws, rules, regulations, or incites the violation of such laws; or

- ☐ Advertises tobacco products, liquor, illicit drugs, or drug paraphernalia.

The superintendent shall develop guidelines assuring that students are able to exercise freedom of expression so long as it does not present a material and substantial disruption of the orderly operation of the school, implementing the standards above, and establishing procedures for the prompt review of any media that appears not to comply with the standards.

Procedure

3221P ▼

The student publications teacher or advisor shall have the primary responsibility for supervising student publications and ensuring that students comply with district policy and procedure and state and federal law. The teacher or advisor will also have the primary responsibility for teaching professional standards of English and journalism to the student journalists. Publication activities should instill respect for the sensitivity of others and standards of civility, as well as the elements of responsible journalism.

Student editors of school-sponsored media are responsible for determining the news, opinion, feature, and advertising content of the media subject to the limitations of district policy and procedure and state and federal law.

School-sponsored media for purposes of [Policy 3221](#) and [Procedure 3221P](#) means media that is prepared, substantially written, published, or broadcast by student journalists to members of the student body and that is prepared under the direction of a teacher or advisor. It does not include media that is intended for distribution or transmission solely in the classrooms in which they are produced.

Political expression by students in school-sponsored media shall not be deemed the use of public funds for political purposes pursuant to [RCW 42.17A.550](#).

Student expression in school-sponsored media is not necessarily the expression of school policy. Pursuant to [Chapter 28A.600 RCW](#), neither a school official nor the governing board of the school or district may be held responsible in any civil or criminal action for any expression made or published by students in school-sponsored media.

The principal may request to review any copy prior to its publication. The principal will return such copy to the student editors within 24 hours after it has been submitted for review. Any dispute that cannot be resolved at the building level shall be submitted to the superintendent for further consideration. When appropriate, the superintendent shall seek legal counsel.

If the complaint cannot be resolved at that level, the board, upon request, shall consider the complaint at its next regular meeting. In addition, any student enrolled in a district high school, individually or through his or her parent or guardian, may file an appeal of an alleged violation of [Chapter 28A.600 RCW](#) related to school-sponsored media under [Chapter 28A.645 RCW](#).

Student Records

Policy 3600 ▼

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. The district will use reasonable methods to ensure that teachers and other school officials obtain access to only those education records in which they have legitimate educational interests. When information is released in compliance with state and federal law the district and district employees are immune from civil liability unless they acted with gross negligence or in bad faith.

Student records are the property of the district but shall be available in an orderly and timely manner to students and parents/guardians, as well as to the state Department of Social and Health Services when a minor student has been found dependent and placed in state custody. A parent/guardian or adult student may challenge any information in a student record believed inaccurate, misleading or in violation of the privacy or other rights of the student.

The district will retain records in compliance with the current, approved versions of the [Local Government Common Records Retention Schedule \(CORE\)](#) and [School Districts and Educational Service Districts \(ESDs\) Records Retention Schedule](#), both of which are published on the Secretary of State's website.

Student records shall be forwarded to other school agencies upon written request from the school agency. A high school student may grant authority to the district which permits prospective employers to review the student's transcript. Parent/guardian or adult student consent shall be required before the district may release student records other than to a school agency or organization, except as otherwise provided by law.

The superintendent shall establish procedures governing the content, management and control of student records.

Procedure

3600P ▼

Student records shall be managed by the records custodian in the following manner.

Type of records

Student records shall be divided into two (2) categories: the cumulative folder and supplementary records.

Cumulative folder

The cumulative folder may contain all information about a student which is collected and maintained on a routine basis, such as identifying information (name, birth date, sex, year in school, address, telephone number, parent's/guardian's name, ethnic classification, emergency information, including parent's/guardian's place of employment, family doctor, baby-sitter, siblings); attendance records, including date of entry and withdrawal; grades and other student progress reports; results of tests of school achievement, aptitude, interests, hearing and vision; health and immunization status reports; records of school accomplishments and participation in school activities; verified reports of misconduct, including a record of disciplinary action taken; and such other information as shall enable staff to counsel with students and plan appropriate activities. Identifying information may be limited if the student is a participant in the state Address Confidentiality Program.

Supplementary records

Supplementary records about a student may be collected and maintained in connection with special school concerns about the student, such as confidential health information or reports connected with assessment and placement of a student who is formally identified as a "focus of concern;" reports from non-school persons and organizations such as physicians, psychologists and clinics, except for general screening purposes; reports pertaining to specific problems associated with the student; and current reports of psychological tests and progress reports related to a student's disabling condition. All such reports included in records shall be dated and signed.

For the purpose of this procedure, working notes of staff are defined as those records about students which are maintained in the sole possession of the writer and are not accessible or revealed to any other person except a substitute for that staff member. Working notes are not considered student records within the purview of this procedure.

Accessibility of student records

Information contained in the cumulative folder and/or supplementary records shall be provided to persons and agencies as follows:

Parents/guardians

Parents/guardians of dependent children have the right to inspect the cumulative folder and/or supplementary records of their children.

1. Upon the request of the parent/guardian or a staff member, a qualified staff member will provide the parent/guardian with analysis and interpretation of all information in the cumulative folder and supplementary records. The review shall occur within five (5) school business days after the district receives a request unless a written explanation for the failure to do so is supplied by the custodian of records. In no case shall the review occur later than forty-five (45) days after the parent makes the request.
2. Inspection and review shall be conducted during normal working hours, unless the custodian (teacher, counselor, nurse, psychologist, principal) consents to other arrangements. Custodians shall provide assistance in the interpretation and analysis of student records as needed. Although records must remain within district control, they may be copied or reproduced by or for the parent/guardian or eligible student at their own expense.

The student

Upon request of the student, a qualified staff member will interpret information from the cumulative folder to the student. The qualified staff member will interpret information contained in supplementary records to the student upon request and with the consent of the student's parent/guardian. Students who are age eighteen (18) or older ("adult student") may inspect their cumulative folder and supplementary records. The right of access granted the parent/guardian or adult student includes the right to be provided a list of the types of student-related education records maintained by the school and the district. The parent/guardian and adult student shall have the right to inspect or to be informed of the content of any record containing personally identifiable information regarding more than one student, provided that the right to access shall apply only to that portion of the record or document which relates to the student. Upon graduation from high school, a student may request to receive a final transcript in addition to the diploma.

Parents/guardians and adult students will be notified annually of their right to inspect and review the records of their children and their other rights under the Family Education Rights and Privacy Act through

the Student Rights and Responsibilities Handbook.

Schools will continue to communicate with parents/guardians of adult students absent a court order of emancipation or proof that the student is no longer listed as a dependent on their parents' income tax returns. In cases of emancipation, the district will communicate with the emancipated student only. In cases where an adult student remains dependent on their parents/guardians, the parents/guardians shall have access to the student's records and the student's consent is not needed.

The Family Educational Rights and Privacy Act (FERPA) affords parents/guardians and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. They are:

1. The right to inspect and review the student's education records within forty-five (45) days of the day the district receives a request for access. Parents/guardians or eligible students should submit a written request to the district records custodian that identifies the record(s) they wish to inspect. The records custodian will arrange for access and notify the parent/guardian or eligible student of the time and place where they may inspect the records.
2. The right to request amendments of the student's education records that the parent/guardian or eligible student believes to be inaccurate or misleading. Parents/guardians or eligible students may ask the district to amend a record that they believe is inaccurate or misleading. They should write the school principal and clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the district decides not to amend the record as requested by the parent/guardian or eligible student, the district will notify the parent/guardian or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent/guardian or eligible student when notified of the right to a hearing.
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. Exceptions permitting disclosure without consent are: disclosure deemed by the district as necessary to protect the health or safety of the student or other individuals and disclosure to school officials with legitimate educational interests. A school official is a person employed by the district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a person or company

with whom the district has contracted to perform a special task (such as an attorney, hearing officer, auditor, medical consultant, or therapist); or a parent/guardian or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the district discloses educational records without consent to officials of another school district in which a student seeks or intends to enroll.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue S.W.
Washington, D.C. 20202-8520

Staff

Staff or other school officials who have a legitimate, educational interest in a student shall have access to the cumulative folder and any supplementary records.

Districts

Other districts shall be provided with records upon official request from the district. The district will make all student records readily available to the enrolling school, within two (2) school days, regardless of any outstanding fees or fines the student may have. At the time of transfer of the records, parents/guardians or adult students may receive a copy of the records at their expense if requested and shall have an opportunity to challenge the contents of the records. Parents/guardians shall be advised through the annual Student Rights and Responsibilities Handbook that student records shall be released to another school where the student has enrolled or intends to enroll.

Other persons and organizations

Prospective employers may request to review the transcript of a student. Each parent/guardian or adult student shall be advised at least annually that such requests shall be honored only upon a signed release of the parent/guardian or adult student. Information contained in the cumulative folder and supplementary records of a student shall be released to persons and organizations other than the student, parent/guardian, staff and other districts only with the written consent of the parent/guardian or adult student with the following exceptions:

1. Directory information may be released publicly without consent upon the condition that the parent/guardian or adult student be notified annually of the school's intention to release such information and be provided the opportunity to indicate that such information is not to be released without prior consent. Such information shall not be released for commercial reasons.

Directory information is defined as the student's name; grade level; dates of enrollment; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees; honors, and awards received; schools attended in the district, work created by the student for school-related publications and purposes; and/or photographs of students for school-related publications or purposes. The actual residential addresses of participants in the state Address Confidentiality Program will not be available for release as directory information. Social security numbers, student identification numbers (with authentication factors such as a secret password or personal identification number) or other personally identifiable information is not considered directory information.

2. Information may be released to authorized representatives of the comptroller general of the United States, the commissioner of education, and/or an administrative head of an education agency or state education authorities in connection with the audit and evaluation of federally supported education programs or in connection with the enforcement of the federal legal requirements for such programs.
3. Information may be released to state and local officials to whom such information is specifically required to be reported or disclosed pursuant to Washington state statute (examples: reporting child abuse or referrals to juvenile court for truancy or a local Community Engagement Board).
4. Information may be released to organizations conducting studies for educational agencies for the purpose of developing, validating or administering predictive tests or improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents/guardians by persons other than the representatives of such organizations and if such information shall be destroyed when no longer needed for the purpose for which it has been gathered.
5. Information may be released in compliance with a judicial order or lawfully issued subpoena including ex parte court orders under the USA Patriot Act, upon condition that a reasonable

effort was made to notify the parent/guardian or adult student in advance of such compliance unless such notice is not allowed by the court order or subpoena. In compliance with the federal Uninterrupted Scholar's Act of 2013, when a parent is a party to a court proceeding involving child abuse or neglect (as defined in Section 3 of the child Abuse and Prevention and Treatment Act ([42 U.S.C. 5101](#)) or dependency matters, and the order is issued in the context of that proceeding, the district is not required to provide additional notice (i.e., in addition to the court's notice) to the parent prior to release of the information.

6. Information may be released to appropriate persons and agencies in connection with an emergency to protect the health or safety of the student or other persons. The district will take into account the totality of the circumstance and determine if there is an articulable and significant threat to the health or safety of the student or other individuals. When information from a student's record, other than directory information, is released to any person or organization other than staff, a record of such release shall be maintained as part of the specific record involved. Telephone requests for information about students shall not be honored unless the identity of the caller is known, and the caller is authorized to receive the information under provisions of these procedures. A record shall be made of any such release of information and placed in the student's cumulative folder. This record of access shall include date of access, name of the party granted access and the legitimate educational interest of the party granted access (Form: Record of Access to Student Records).
7. In compliance with the federal Uninterrupted Scholar's Act of 2013, information regarding students in foster care may be released without prior written consent of the parent or eligible student to agency caseworkers or other representatives of state or local child welfare agencies or tribal organizations who are legally responsible for the care and protection of the student, for purposes related to the student's case plan.
8. A high school student and/or parent/guardian may grant authority to the district permitting prospective employers to review the student's transcript.

Confidential health records

Confidential health records should be stored in a secure area accessible only to the principal/designee and/or school nurse, unless an appropriately executed release under [RCW 70.02](#), Medical records—health care information access and disclosure, has been obtained. Such records are also covered by FERPA, permitting

parent/guardian access to review and otherwise exercise FERPA rights regarding the records. There is a higher standard of confidentiality and minor student's rights of privacy for records pertaining to HIV, sexually transmitted diseases, drug or alcohol treatment, mental health treatment, family planning or abortion. The releases for information regarding sexually transmitted diseases, HIV and drug or alcohol treatment are more restrictive than ordinary medical releases.

Amendments of records and hearings

Schools and departments shall inform the parent/guardian or adult student of their rights regarding student records by providing notice of the following items:

- A. Types of records maintained;
- B. Name of custodian;
- C. Person other than parent/guardian or adult student having access to records and the purposes for such access;
- D. Inspection, review, amendment and hearing rights;
- E. Concurrent rights of minor students;
- F. Costs for copying records; and
- G. Directory information categories.

Forms used in connection with these procedures shall contain information required by law to notify parents/guardians, adult students and others of their respective rights and duties.

At the time of inspection and review, the parent/guardian or adult student granted access to records may request that information in the student's records be amended. Custodians (e.g., teacher, counselor, nurse, psychologist) may honor such requests by correcting or deleting records which are misleading, violate privacy, or inaccurate, provided that the senior custodian (principal or department head) concurs.

If the senior custodian denies the requested correction or deletion, the parent/guardian or adult student may request an informal hearing before the superintendent or designee which hearing shall be held within ten (10) school days of the receipt of such request. During the hearing, the superintendent or designee shall review the facts as presented by the parent/guardian or adult student and the custodian and decide whether or not to order the demanded correction or deletion. The superintendent or designee shall send a written decision to the parent/guardian or adult student within ten (10) school days of the hearing.

If the district still decides not to amend the records as a result of the hearing, the parents/guardians or adult

student requesting amendment of the records may insert a written explanation of their objections in such records.

Maintenance of student records

The student's principal, counselor or teacher shall be the custodian of the cumulative folder and supplementary records. The Executive Director of special services shall be the custodian of the supplementary records for special education students. Duplicate copies of all guidance case study reports and reports from non-school agencies contained in a student's supplementary record may be maintained in the district office under the supervision of the superintendent or designee.

Custodians shall:

1. Maintain only those records authorized by these procedures;
2. Safeguard student records from unauthorized use and disposition;
3. Maintain access records;
4. Honor access requests for parent/guardian or adult student;
5. Delete or correct records upon approval of the senior custodian or upon order of the superintendent or designee or the board; and
6. Follow the records review schedule and procedures established by the senior custodian.

Senior custodians may assume the duties of custodians and shall:

1. Request student records from other schools;
2. Maintain security of student records;
3. Transfer, destroy and expunge records as permitted;
4. Supervise activities of their custodians;
5. Conduct informal hearings and grant or deny approval of corrections or deletions requested by parents/guardians or adult student;
6. Establish records review schedules and procedures for their respective schools or departments in accordance with procedures for governing records disposition (Psychological test scores shall be reviewed annually to determine their relevance to the continuing educational needs of the student.);
7. Upon transfer of the student to the next level (elementary to middle school, middle school to high school) or upon graduation or transfer outside the district, remove for retention, preservation or destruction in accordance with applicable

disposition procedures any records no longer pertinent to educational program placement; and

8. Certify to the district records custodian by June 30 of each year the following:
 - a. Only records pertinent to educational program placement are being maintained, unless otherwise authorized by law, and
 - b. Required reviews have been accomplished.

The district records custodian shall provide overall supervision of student records management and control and shall enforce the student records policy and the administrative procedures.

The district will use an array of methods to protect records, including passwords, physical controls (such as locked cabinets), technological controls (such as role-based access controls for electronic records) and administrative procedures.

Disposition of student records

The permanent student record shall serve as the record of the student's school history and academic achievement. Permanent records filed in the student's cumulative folder are to be extracted and retained before disposition of the folder.

Within ten (10) days after receiving a request, the district will furnish a set of unofficial educational records to the parent/guardian of a student transferring out of state who meets the definition of a child of a military family in transition. When a student transfers to another school in the district, all records including the permanent student record shall be transmitted to the other school.

When a student transfers to a school outside of the district, the senior custodian shall purge the cumulative folder of all non-official, extraneous information. A copy of all records will be sent to the requesting school regardless of any outstanding fees or fines. The student's cumulative folder shall be maintained for three (3) years after the student graduates or withdraws from the district. In all cases, the student's permanent record shall be retained by the district for 100 years.

Contents of a student's supplementary records shall be maintained for three (3) years. Special education student records shall be maintained for six (6) years after the student graduates or separates from the program. At the time a student graduates from school or ceases to need special educational services, the parent/guardian or adult student shall be informed that record information regarding the disabling condition is no longer needed for educational purposes AND that the special education records will be retained by the district for six (6) years before being destroyed pursuant to the School Districts and Educational Districts Records Retention Schedule approved in accordance with [RCW 40.14.070](#).

When informing the parents/guardians or adult students about their rights regarding such records, the district shall advise the parents/guardians or adult students that information may be needed by the student or the parent/guardian to establish eligibility for certain adult benefits, e.g., social security AND that the parent/guardian/adult student should ensure that they possess the necessary documentation, or request copies of certain records from the district BEFORE the district records are destroyed in six (6) years. At the parent's/guardian's or adult student's request, the record information relating to the disabling condition shall be destroyed but ONLY after the records have met their six (6) year retention requirement pursuant to the School Districts and Educational Districts Records Retention Schedule. The district may, in its discretion, choose to retain these records for a longer period of time for business purposes.

Parents/guardians or adult students, at their expense, may receive a copy of all records to be transmitted to another district.

Large scale destruction of student records

After exercising care in accordance with that contained in the previous section (Disposition of Student Records), the senior custodian shall bundle all records and send them to the district office. Each bundle shall be plainly marked: "Student Records—for Destruction," dated and signed by the senior custodian. A summary sheet shall be completed and retained in the office. The sheet shall indicate: "As of this date, I have determined that the following records may be destroyed in accordance with district and state requirements and have submitted them for destruction." The summary sheet shall be dated and signed by the senior custodian.

Electronic records

Electronic records (including email and web content) created and received by the district in the transaction of public business are public records for the purposes of [Chapter 40.14 RCW](#) and will be managed consistent with all of the laws and regulations governing the retention, disclosure, destruction and archiving of public records. The district will manage electronic records according to the same provisions as paper documents as set forth in the records retention schedules. Electronic records will be retained in electronic format and remain usable, searchable, retrievable and authentic for the length of the designated retention period. The district will retain electronic records designated as archival in the original format along with the hardware and software required to read the data, unless the data has been successfully migrated to a new system. (The district will retain records in compliance with the General Records Retention Schedule for School Districts and Educational

Service Districts in Washington State found at: <http://www.sos.wa.gov/archives/RecordsManagement/Records-Retention-Schedules-for-School-Districts-and-Educational-Service-Districts.aspx>.

Students Riding School Buses or Other District-Provided Transportation

Policy 3244 ▼

The rules of conduct and behavior expectations that apply to students in schools and classrooms also apply to students riding school buses and other district-provided transportation.

Student misconduct on a school bus or other district-provided transportation may be grounds for imposition of corrective action. The denial of the privilege of riding the school bus or other district-provided transportation will be made by the principal or designee.

The superintendent or designee may establish additional written rules of conduct for students riding school buses or other district-provided transportation.

Procedure

3244P ▼

The following rules and expectations have been established for the safety of students riding school buses or other district-provided transportation. Any reference to "bus" in this procedure shall include other district-provided transportation.

A copy of these rules will be provided to each student in the [Student Rights and Responsibilities Handbook](#).

Students who violate any of these rules/expectations may be subject to corrective action, up to and including suspension and/or denial of the privilege of riding the bus. Students may also be subject to corrective action under [Policy 3300](#), Student Discipline.

Prior to loading the bus

1. Students are to be at their assigned bus stop no less than five (5) minutes prior to the scheduled bus arrival time.
2. While waiting for the bus, students are to stand a safe distance from the roadway and

avoid unsafe activities that could injure themselves or others. Students are to form a single line as the bus approaches.

3. Students are expected to respect the rights and property of others.
4. Students who must cross the roadway to board the bus should do so in front of the bus, never behind the bus, and only after the driver has signaled that it is safe to do so. Students should not approach the bus until it has come to a full stop and the door is opened.

While on the bus

1. Students are under the supervision and authority of the bus driver when boarding, riding, or leaving the bus. Disrespectful or defiant behavior, disruptive conduct, and/or obscene language or gestures toward the driver or other riders may result in corrective action. Harassment, intimidation and bullying of any kind is prohibited.
2. Students are expected to identify themselves promptly and willingly when asked by the bus driver. A student may be assigned a seat in which he/she will be expected to remain at all times while on the bus.
3. Students are to observe the same rules of conduct on the bus as in the classroom. Students should conduct themselves in a manner that will not distract the driver and not disturb other riders on the bus. Quiet conversation is acceptable.
4. Use of technology at Everett Public Schools is considered a privilege and not a right and may be revoked by a principal, assistant principal, or principal's designee. All authorized use at school and on the bus shall be in compliance with [Procedure 3245P](#), Technology, and [Policy 3246](#) and [Procedure 3246P](#), Personal Electronic Devices, and school rules.
5. Students are expected to get on and off the bus in a safe and orderly manner. When getting on the bus, students are to go directly to their seats and remain seated while the bus is in motion. In preparation for getting off the bus, students should remain seated and not stand up until the bus has come to a full stop.
6. Items not allowed in schools are also not allowed on the bus including, but not limited to: all forms of animal life (except service animals), firearms, weapons, drugs, alcohol, tobacco and tobacco-like products, flammables, breakable containers, lasers, and all other items which could adversely affect the safety of the bus and passengers.

Items that are heavy, sharp or bulky (such as large musical instruments) or other items which may be hazardous in the event of an accident or an emergency stop (such as basketballs or other sports equipment not carried in a sports/gym bag) may not be transported unsecured in the passenger area of the bus.

7. Students should only open bus windows with the permission of the bus driver. Students shall not extend any part of their body out of the bus window. Objects shall not be thrown out or passed through open bus windows or doors.
8. Unless otherwise prearranged by the parent/guardian and permission granted by the principal/designee, students are to ride their assigned bus and get off the bus at their assigned bus stop.

Bus cleanliness

1. Students are to assist in school bus cleanliness by picking up after themselves before getting off the bus, and taking all their belongings with them as they exit the bus.
2. Eating and drinking while on the bus shall be avoided, unless permission to do so has been given by the bus driver.

Emergency procedures

1. A copy of the emergency procedures will be located on each school bus. The driver will conduct emergency exit drills for students annually as required by [Policy 6605](#), Student Safety Walking and Riding School Buses.
2. In the event of an emergency, students must follow emergency exit procedures as established by the emergency exit drills. Students are to refrain from tampering with emergency doors and/or equipment.
3. When the bus stops at a railroad crossing, students should remain quiet to avoid distracting the driver.

Video security on school buses

District buses may be equipped with video security cameras per [Policy 6505](#) and [Procedure 6505P](#), Video Security on School District Grounds or Property. Security cameras installed on district buses are to:

1. Ensure the safety of students and staff;
2. Protect district property; and
3. Aid in the enforcement of district policies, procedures and rules.

Technology

Policy 3245 ▼

The board of directors recognizes the importance of technology in providing quality education and opportunities for students. The board believes that access to technology resources and the skills students develop, including appropriate use of Artificial Intelligence (AI), play an important part in the learning process and the success of students in the future.

The superintendent shall develop procedures that encourage student use of technology and the school district's computer networks, while establishing reasonable controls for its lawful, efficient and appropriate use.

To help ensure student safety and citizenship in appropriate, ethical online activities, students will be educated about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyberbullying awareness and response.

Procedure

3245P ▼

Students using technology in the educational process is an everyday occurrence. It is a goal of Everett Public Schools to provide students access to information, technology, and to develop technological skills. Technology is an integral part of the curriculum, physical environment and delivery of instruction. For the purposes of this policy, "technology" includes, but is not limited to, computers, hardware, software, the network, Internet access, scanners, copiers, facsimile machines, cameras, and personal electronic devices (PEDs)

Additionally, Everett Public Schools has a vested interest in and encourages the use of PEDs (e.g., smartphones, tablets, slates, notebooks, laptops, personal computers, cellular phones, and other similar electronic devices.) Refer to [Procedure 3246P](#) for information on appropriate use of PEDs. A PED can play a positive role in furthering our students' learning. The Everett Public Schools' wireless network permits students with a district network account and a PED to access the Internet. For purposes of this procedure, the "network" includes, but is not limited to, a set of devices connected via a wired or wireless network owned and operated by the district to give authorized users the ability to share, store, and access digital resources and content located on another connected computer, network device, or online service. All use of the network, as well as any materials stored, transmitted, or published

on the system, must be in conformity to state and federal law-including [Family Educational Rights and Privacy Act \(FERPA\)](#) and [Children's Internet Protection Act \(CIPA\)](#), network provider policies and district policy. All use of the network must support education and research and be consistent with the mission of the district.

For security and administrative purposes, the district reserves the right for authorized personnel to review system use and file content including, without limitation, the contents of district-provided personal and shared file storage, web browsing history on a district device and/or the district network, and district email. Email is archived in accordance with State retention guidelines.

Equitable access

1. Schools throughout the district will have equitable access to technologies and provide educational opportunities to use those technologies.
2. Students with special needs, including those with identified disabilities, benefit greatly from the use of technology. In many cases, technology can remove barriers to learning.

Appropriate use

1. It is the expectation of the district that students effectively and appropriately use available technology.
2. Appropriate safeguards are established to ensure the security of district and student data.
3. All users of technology shall comply with current copyright laws.
4. Filtering services are in use on all computers with access to the Internet. The system is designed to block or filter access to Internet content the district deems inappropriate, including pornography and any depictions that are inappropriate, obscene, or are harmful to minors.
5. No user will attempt to breach or modify device hardware and software security measures. Students and staff will immediately notify the site technician if tampering with the device is suspected.
6. No user will attempt to modify the physical appearance or operating system of any technology equipment. This includes, but is not limited to, unauthorized software updates, and copying or installing non-district licensed software.

Student care of equipment

Students are responsible for the care and safekeeping of the district-provided laptop that is assigned to them. Students must follow the guidelines and recommendations included in the [Technology Handbook for Students and Parents](#) to ensure their technology is always in working order and is not damaged. Damage to the device must be reported immediately to school administration following the process outlined in the [Technology Handbook for Students and Parents](#).

General use of Everett Public Schools technology

1. Users must make diligent efforts to conserve system resources; e.g., system storage, network bandwidth, software licenses, etc.
2. Before users are given access to the system, the district will endeavor to provide appropriate training.

Personal security

1. Users of technology shall maintain the confidentiality of personal information such as complete names, addresses and telephone numbers, and identifiable photos should remain confidential. Students should never reveal confidential information without permission from their teacher and parent(s)/guardian(s). No user may disclose, use or disseminate any personally identifiable information about others without authorization.
2. Students should never make appointments without parent/guardian permission to meet in person people whom students have contacted using technology.
3. Students should report to a school administrator, teacher, or security staff any dangerous or inappropriate information or messages on the Internet, in email, instant messages, blogs, online forums, social media sites, or other electronic media.

Student access to and use of technology

Students are expected to exercise good judgment and use network resources in an appropriate manner. All use of the network must support education and research and be consistent with the mission of the district. Use of electronic resources provided by the district is a privilege.

In order to maintain the privilege, students must learn and comply with all of the provisions included in this Student Technology Use Agreement. Violation of any

of the conditions of use may be cause for revocation of the student's privilege of network access and/or disciplinary action in accordance with district policies and procedures. In addition, violations of this use agreement may result in referral to law enforcement.

1. Schools shall collect an acknowledgment signed by parent(s)/guardian(s) indicating that those parent(s)/guardian(s) have received and agreed to the conditions for student use of technology as specified in the [Technology Handbook for Students and Parents](#).
2. Student access to and use of technology, including Internet access, is granted on a continuing basis unless a parent/guardian chooses to revoke permission or access is revoked by the district. Parents/guardians may notify the school of their intent to withdraw permission for use of technology by notifying the school in writing.

Internet safety instruction

Lessons on online safety issues and cyberbullying awareness/response will be provided and updated regularly. All students will receive a short, age-differentiated lesson on the meaning of the contents of the Acceptable Use Agreement before being asked to sign the agreement. The purpose of obtaining student signatures is to indicate (1) their understanding of and (2) agreement to the provisions therein.

Students will be educated about appropriate online behavior, including interacting with individuals on social media sites and in online forums, and cyberbullying awareness and response according to [Policy 2124](#), Digital Citizenship and Media Literacy.

1. The Everett Public Schools' wireless network will provide filtered Internet access. Everett Public Schools is not responsible for or liable for student access to any other network accessed while the device is operated on district property or at any school-sponsored activity or event off school property (including Internet service provided by any commercial service provider.)
2. A PED shall not be used in a manner that disrupts the educational process, including but not limited to, posing a threat to academic integrity.
3. Devices shall not be used to violate the confidentiality or privacy rights of another individual, including but not limited to, taking photographs or audio or video recordings of others without their permission or sharing, posting, or publishing photographs, videos or recordings of others without their permission.

4. Information about online safety issues will be made available to families.

Personal information and inappropriate content

- A. Students should not reveal personal information, including a home address and phone number on web sites, blogs, podcasts, videos, social networking sites, wikis, e-mail, or as content on any other electronic medium;
 - B. Students should not reveal personal information about another individual on any electronic medium without first obtaining permission;
 - C. No student pictures or names can be published on any public class, school or district website unless the appropriate permission has been obtained according to district policy;
 - D. If students encounter dangerous or inappropriate information or messages, they should notify the appropriate school authority;
 - E. No user may use, disclose, or disseminate personally identifiable information of a minor without explicit parent/guardian permission;
 - F. When handling any student's personally identifiable information, staff must follow district data-handling procedures, including [Policy 3600](#) – Student Records; and
 - G. Students should be aware of the persistence of their digital information, including images and social media activity, which may remain on the Internet indefinitely.
- C. Email inconsistent with the educational and research mission of the district will be considered SPAM and blocked from entering district email boxes;
 - D. The district will provide appropriate adult supervision of Internet use. The first line of defense in controlling access by minors to inappropriate material on the Internet is deliberate and consistent monitoring of student access to district devices;
 - E. Staff members who supervise students, control electronic equipment, or have occasion to observe student use of said equipment online, must make a reasonable effort to monitor the use of this equipment to assure that student use conforms to the mission and goals of the district;
 - F. Staff must make a reasonable effort to become familiar with the Internet and to monitor, instruct, and assist effectively;
 - G. The district may monitor student use of the district network, including when accessed on students' personal electronic devices and devices provided by the district, such as laptops, netbooks, and tablets;
 - H. The district may block or delete any malicious content detected, and
 - I. The district will provide a procedure to request access to internet websites blocked by the district's filtering software. The procedure will indicate a timeframe for a designated school official to respond to the request. The requirements of CIPA will be considered in evaluation of the request. The district will provide an appeal process for requests that are denied.

Filtering and Monitoring

Filtering software is used to block or filter access to visual depictions that are obscene and all child pornography in accordance with the CIPA. Other objectionable material could be filtered. The determination of what constitutes "other objectionable" material is a local decision.

- A. Filtering software is not 100 percent effective. While filters make it more difficult for objectionable material to be received or accessed, filters are not a solution in themselves. Every user must take responsibility for his/her use of the network and Internet and avoid objectionable sites;
- B. Any attempts to defeat or bypass the district's Internet filter or conceal Internet activity are prohibited (e.g., proxies, https, special ports, modifications to district browser settings, and any other techniques designed to evade filtering or enable the publication of inappropriate content);

Acceptable use guidelines

When a student is using district technology or when a student is using a PED while on district property or at a school-sponsored activity or event off school property, access to and use of technology is authorized, provided the student adheres to the following Student Technology Use Agreement at all times.

Student technology use agreement

1. All use of technology must be in support of education, classroom learning and Everett Public Schools' operations and must be consistent with the mission of Everett Public Schools. The district reserves the right to prioritize use and access to the system.
2. Any use of technology must conform to state and federal law, technology use policies, and Everett

Public Schools' policies, procedures and directives. It should be recognized and understood that a PED may not be compatible with district systems. District support staff will provide technical support on a best effort basis. Access to Everett Public Schools' network with a PED is not guaranteed.

3. Using the district network for personal or private gain or benefit, commercial solicitation, or compensation of any kind is prohibited.
4. Using the district network for political purposes in violation of federal, state, or local laws is prohibited. Technology constitutes public facilities and may not be used to support or oppose political candidates or ballot measures.
5. There is no expectation of privacy for any user of the district's technology, including but not limited to Internet use and email. Materials created, stored, sent, or received on district technology are subject to review by the district and may be subject to a public records request under the state Public Records Act.
6. Subscriptions to mailing lists, bulletin boards, online forums, commercial online services and other information services must be directly related to classroom curriculum.
7. Diligent effort must be made to conserve technology resources.
8. Technology shall not be used to disrupt the operation and use of technology by others; technology system components, including hardware or software, shall not be destroyed, modified, removed or abused in any way.
9. Use of technology to harass others or gain unauthorized access to any service or information and/or damage the components of a service or information is prohibited.
10. Users are responsible for the appropriateness of the material they transmit or publish using technology. Hate mail, harassment, intimidation, bullying, discriminatory remarks or other antisocial or uncivil behaviors are prohibited. This may also include the manufacture, distribution, or possession of inappropriate digital images.
11. Use of any technology on district property or at any school-sponsored activity or event off school property, including PEDs, to access, store or distribute inappropriate, obscene or pornographic material is prohibited.
12. Use of cameras, including those in cell phones or other PEDs, is prohibited in restrooms, locker rooms, or any other location where there is a reasonable expectation of personal privacy.

13. Connecting or attaching any computer or networking equipment or components to the Everett Public Schools' network via network ports and/or communications closets, by anyone other than a network technician or other individuals expressly authorized by the district's chief information officer or designee is prohibited. Unauthorized computer or networking equipment or components will be removed without notice. Connection of any personal electronic device is subject to all procedures in this document and district policy.

Copyright

Federal copyright law prohibits the reproduction, distribution, adaptation, public display, and public performance of copyrighted materials without the specific written permission of the copyright owner, unless such copying or use constitutes a "fair use" or is otherwise exempt under applicable law. Guidance on fair use and applicable exemptions is provided in Procedure 2312P, Copyright Compliance.

Ownership of work

All work completed by students as part of the regular instructional program is owned by the student as soon as it is created, unless such work is created while the student is acting as an employee of the district or unless such work has been paid for under a written agreement with the district. If created while an employee of the district or under an agreement with the district, the work will be considered the property of the district. Staff members must obtain a student's permission prior to distributing a student's work to parties outside of a school or the district. Sources outside the classroom or school must be cited appropriately.

Network Security

1. Passwords are the first level of security for a user account.
2. System logins or accounts are to be used only by the authorized owner of the account for authorized purposes.
3. Users may not share their system, computer or software passwords with others or leave an open file or session unattended or unsupervised. Account owners are responsible for all activity under their account and will lock the screen or log off if leaving the computer.
4. Users shall not seek information on, obtain copies of, or modify files, other data, or passwords belonging to other users, misrepresent other users or attempt to gain unauthorized access to any data or entity on specific computers or the network.

5. Communications may not be encrypted so as to avoid district security review.
6. Users will maintain security practices as determined by the district or as necessary to maintain security.

Privacy

Student Data is Confidential

The confidentiality of student data must be maintained in accordance with FERPA.

No Expectation of Privacy

It is the policy of Everett Public Schools that district technology be used only for district-related educational purposes. Students will have no expectation of privacy when utilizing district technology. When responding to a public records request under the Washington Public Records Act, the district will access all district technology to provide a complete response.

The district reserves the right to monitor, inspect, copy, review, and store, as appropriate, without prior notice, all activity using district technology, including but not limited to:

- A. The district network, regardless of how accessed;
- B. User files and disk space utilization;
- C. C.User applications and bandwidth utilization;
- D. User document files, folders, and electronic communications;
- E. Email;
- F. Internet access; and
- G. Any and all information transmitted or received in connection with network and email use.

Hardware, Educational Applications, and Programs

Hardware, and all applications, including software, and operating systems must be approved for use prior to purchase and installation according to current technology purchase procedures. Additionally, hardware and all applications, software, and operating systems must be:

- A. Currently supported by the manufacturer.
- B. Periodically reviewed to ensure they are still in use, supported by the manufacturer, and patched for vulnerabilities.

The district will remove any hardware, application, software, or operating system that does not meet these criteria.

Archive and Backup

Backup is made of all district email correspondence for purposes of public disclosure and disaster recovery. Barring power outage or intermittent technical issues, student files are backed up on district servers regularly. Refer to the district retention policy for specific records retention requirements.

Artificial Intelligence

Artificial Intelligence is a rapidly advancing set of technologies for capturing data to detect patterns and automate decisions. Artificial Intelligence (AI) has become an increasingly important part of our lives, and it is essential for students to understand when and how to use it effectively and ethically. AI tools can enhance classroom learning, and their implementation should be guided with proper training, ethical considerations, and responsible oversight.

When utilizing generative AI tools to create or support the creation of texts or creative works, students are expected to adhere to the guidelines in the [Technology Handbook for Students and Parents](#), and any additional guidance provided by their classroom teacher.

A. Purpose

The district will seek to maintain student access to generative AI tools for the following purposes:

- ☐ Ensuring all students have equitable access to leverage these technologies, regardless of what learning technology devices may be available to them.
- ☐ Providing all students with an opportunity to engage in current technologies in a learning environment, to better prepare them for the world they will live and work in.
- ☐ Extending the benefits of these tools to the workplace, where appropriate, to leverage efficiencies and productivity.

B. Appropriate Use

Student use of generative AI technologies should be used to support and extend student learning and workplace productivity. Student use of AI will be in accordance with the expectations outlined in [Policy 3245](#) and this procedure, and the [Technology Handbook for Students and Parents](#).

C. Inappropriate Use

In addition to those uses that violate this procedure the following are prohibited uses of AI:

- ☐ Any use of AI that does not align with expectations outlined by a classroom instructor or building administrator. It is ultimately

the teacher's responsibility to determine the appropriate level of use of AI in each classroom, and for each assignment or project.

- ☐ Use of AI to complete an assignment in a way that represents the assignment as one's own work.
- ☐ Use of AI to purposefully create misinformation or to misrepresent others for the purpose of harming or bullying groups or individuals.
- ☐ Use of AI with confidential student personal information.

District responsibilities

Everett Public Schools shall:

1. Review, monitor, and log, as appropriate, all technology activity for responsible and acceptable use consistent with the terms of the policies and procedures.
2. Make determinations on whether specific uses of technology are consistent with its Student Technology Use Agreement.
3. Remove a user's access to technology, with or without notice, at any time the district suspects that the user is engaged in unauthorized activity or violations of this procedure. In addition, further disciplinary or corrective action(s) may be imposed for such activity or violations in accordance with district policies and procedures.
4. Cooperate fully with law enforcement investigations concerning, or relating to, any suspected or alleged inappropriate technology activities.
5. From time to time, the district may determine whether specific uses of the network are consistent with the regulations stated in this procedure. Under prescribed circumstances, non-student or non-staff use of technology may be permitted provided such individuals demonstrate that their use furthers the purpose and goals of the district and is authorized by a district administrator.

Disciplinary Action

All users of the district's electronic resources are required to comply with the district's policies and procedures and agree to abide by the provisions set forth in the district's Student Technology Use Agreement, as well as associated documents such as the [Technology Handbook for Students and Parents](#). Violation of any of the conditions of use explained in any of these documents could be cause for suspension or revocation of network, computer access, or other electronic resources privileges. Additionally, violations of these

documents could result in disciplinary action, including suspension from school, termination of employment, and/or civil or criminal actions, as warranted.

Accessibility of Electronic Resources

In compliance with federal and state law, all district-sponsored programs, activities, meetings, and services will be accessible to individuals with disabilities, including persons with hearing, vision, and/or speech disabilities. To ensure such, the content and functionality of websites associated with the district should be accessible. Such websites may include, but are not limited to, the district's homepage, teacher websites, district-operated social media pages, and online class lectures.

Liability

The district cannot guarantee the availability of technology resources and will not be responsible for any data that may be lost, damaged, or unavailable due to technical or other difficulties. The district cannot ensure that all electronic transmissions are secure and private and cannot guarantee the accuracy or quality of information obtained. The district will employ technology protection measures to comply with federal and state requirements to filter or block material the district deems inappropriate. However, no known process can control or censor all illegal, defamatory, or potentially offensive materials that may be available to the user on information systems accessible through the use of district resources.

Video Security on School District Grounds or Property

Policy 6505 ▼

The Everett School District is committed to maintaining a safe and positive environment for students, staff and visitors. The board recognizes that it is necessary to use video security on its 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. Toward that end, monitoring activity on district property, including by video security, is authorized.

The superintendent shall develop procedures regarding the use of video security.

Camera location, operation and control

1. School district grounds, buildings and property including buses used for district purposes may be equipped with video security cameras. Equipment may be placed in areas where there is not a reasonable expectation of privacy, such as parking lots, entrances, exits, hallways, front offices, gymnasiums, cafeterias, libraries, and other public shared, or common spaces.
2. Video security cameras shall not be placed to monitor areas where there is a reasonable expectation of privacy, including locker rooms and restrooms.
3. Only personnel authorized by the superintendent shall install or adjust video security cameras or related equipment.
4. Only individuals authorized by the superintendent or designee shall have access to video security cameras, monitors, or monitoring tools and be permitted to operate the controls.
5. Video security cameras shall monitor and/or record only video images. In accordance with federal and/or state laws, audio shall not be monitored or recorded by video security cameras except on school buses.

Requests to use video security shall be submitted to the superintendent for review and approval. The request to use such equipment should be set forth in writing and explain:

- ☐ Why the equipment is needed, including supporting data;
- ☐ The time period the equipment would be used;
- ☐ The date of the request; and
- ☐ The name, title, and signature of the requester.

The superintendent shall consult with the regional supervisor in matters involving students and with the assistant superintendent human resources in matters involving employees. Collective bargaining agreements should be reviewed, and any use of video security cameras shall follow such agreements.

Use of video recordings

The district may use video security cameras and the resulting recordings for:

1. The promotion of a safe school environment;
2. Student and employee discipline proceedings;
3. The protection of district property;
4. Adherence to all district legal and administrative directives; and
5. Inquiries and proceedings relating to law enforcement.

The district shall not use video security cameras for other purposes unless expressly authorized by the superintendent.

Protection of information and disclosure

1. Video Monitoring and Viewing:
 - a. Only the district or school administration, campus security staff and members of law enforcement shall have access to video monitoring devices while they are in operation.
 - b. Video monitoring should be in controlled access areas wherever possible.
 - c. Recordings shall be viewed on a need-to-know basis only, and in such a manner as to avoid public viewing.
2. Release of Security Video to Individual or Entity Outside of the School District:

A person requesting release of a video recording shall submit to the district's public records officer a request consistent with the provisions of the public records act. Such requests will be considered on a case-by-case basis.

Notice of use of video systems

1. Signs advising users of the presence of video security equipment will be posted.
2. Students and their parents shall be informed in writing by the district each year that the district may monitor activity at designated monitoring points.
3. All staff shall be informed of the district's video security policy and procedures by district or school administration.

Custody, control, retention and disposal of video records/recordings

The district will retain custody and control of all original video recordings not provided to law enforcement. With the exception of records retained for criminal, safety, or security investigations or evidentiary purposes, the district will not maintain recordings for more than thirty (30) days. The district will make reasonable efforts to ensure the security of recordings in its custody and ensure their safe and secure disposal.

Applicability

This procedure does not apply where a law enforcement agency presents a search warrant authorizing the agency's installation of video or audio security on district property.

This procedure does not apply to the monitoring of use of the district's technology system, which is governed by [Board Policy 3245](#) and [Procedure 3245P](#) and [Board Policy 5225](#) and [Procedure 5225P](#).

Review

The effectiveness of the video security operations shall be reviewed on a regular basis by the superintendent or designee. This procedure replaces all prior procedures or protocols.

PART II.

Policies for handling violations of school rules

Student Discipline

Policy 3300 ▼

The board expects this policy and accompanying procedure to be implemented in a manner that supports positive school climate, maximizes instructional time, and increases equitable educational opportunities.

Discipline means any action taken by the district in response to behavioral violations including exclusionary as well as positive and supportive forms of discipline.

The purposes of this policy and accompanying procedure include:

1. Engaging with school personnel, students, parents/guardians, families, and the community in decisions related to the development and implementation of discipline policies and procedures;
2. Supporting students in meeting behavioral expectations, including providing for early involvement of parents/guardians and families;
3. Administering discipline in ways that respond to the needs and strengths of students and keep students in the classroom to the maximum extent possible;
4. Providing educational services that students need to complete their education without disruption;
5. Facilitating collaboration between school personnel, students, parents/guardians, and families to support successful reentry into the classroom following a suspension or expulsion;
6. Ensuring fairness, equity, and due process in the administration of discipline;
7. Implementing culturally responsive discipline that provides every student the opportunity to achieve personal and academic success; and
8. Providing a safe environment for all students and for district employees.

Rights and Responsibilities/ District Commitment

The board recognizes the negative and disproportionate impact of exclusionary discipline practices and is committed to:

- ☐ Identifying and addressing discipline policies and practices that perpetuate educational opportunity gaps; and
- ☐ Proactively implementing discipline practices that support students in meeting behavioral expectations without losing access to instruction.

The district will observe students' fundamental rights and will administer discipline in a manner that does not:

1. Unlawfully discriminate against a student on the basis of sex, race, creed, religion, color, national origin, sexual orientation, gender expression, gender identity, disability, or the use of a trained dog guide or service animal.
2. Deprive a student of the student's constitutional right to freedom of speech and press, the constitutional right to peaceably assemble and to petition the government and its representatives for a redress of grievances, the constitutional right to the free exercise of religion and to have the student's school free from sectarian control or influence, subject to reasonable limitations upon the time, place, and manner of exercising the right.
3. Deprive a student of the student's constitutional right to be secure in the student's person, papers, and effects against unreasonable searches and seizures.
4. Unlawfully interfere in a student's pursuit of an education while in the custody of the school district.
5. Deprive a student of the student's right to an equal educational opportunity, in whole or in part, by the school district without due process of law.

This student discipline policy and accompanying [procedure](#) is designed to provide students with a safe, healthy, and educationally sound environment. Students and their parents/guardians are expected to be aware of and comply with this policy and accompanying [procedure](#), including behavioral expectations that respect the

rights, person, and property of others. Students and staff are expected to work together to develop a positive climate for learning consistent with [Board Policy 3401](#) and [Procedure 3401P](#), Social Emotional Climate.

Each year, the superintendent or designee shall develop handbooks pertaining to student rights, conduct, and discipline, and make the handbooks available to all students, their parent(s)/guardian(s), and staff. The superintendent or designee will develop such handbooks with the participation of parents/guardians and the community.

Development and review

Accurate and complete reporting of all disciplinary actions, including the behavioral violations associated student-level information, behavioral violations, and all other forms of discipline the district considered or attempted, is essential for effective review of this policy; therefore, the district will ensure such reporting.

The district will collect data on disciplinary actions administered in each school, as required by [RCW 28A.300.042](#), and any additional data required under other district policies and procedures.

Distribution of policies and procedures

The district will make the current version of this policy and accompanying [procedure](#) available to families and the community and will annually provide this policy and accompanying procedure to all district personnel, students, parents/guardians and families, which may require language assistance for students and parents/guardians with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

The district will ensure district employees and contractors are knowledgeable of this student discipline policy and accompanying [procedure](#).

At the building level, schools will annually provide the current building discipline standards, developed as stated above, to all school personnel, students and parents/guardians, and families, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964. Schools will ensure all school personnel are knowledgeable of the school building discipline standards. Schools are encouraged to provide discipline training developed under [RCW 28A.415.410](#) to support implementation of this policy and accompanying [procedure](#) to all school staff as feasible.

Procedure

3300P ▼

All students shall comply with the written rules and regulations established in [Board Policy 3300](#) and this procedure for the orderly operations of the district and the reasonable requests, instructions, and directives of district personnel. Failure to do so may be cause for disciplinary action. This includes students involved in criminal acts on school property, off school property at school-supervised events, or off school property—and which acts pose an immediate and continuing danger to others, or a student's presence poses an immediate and continuing threat of material and substantial disruption to the educational process.

Definitions

For purposes of [Board Policy 3300](#) and this procedure, the following definitions will apply:

Behavioral violation means a student's behavior that violates the district's discipline policies.

Best practices and strategies refer to other forms of discipline the district has identified that school personnel should administer to support students in meeting behavioral expectations ([WAC 392-400-110](#)).

Classroom exclusion means the exclusion of a student from a classroom or instructional or activity area for behavioral violations, subject to the requirements of [WAC 392-400-330](#) and [WAC 392-400-335](#). Classroom exclusion does not include action that results in missed instruction for a brief duration when:

1. a teacher or other school personnel attempts other forms of discipline to support the student in meeting behavioral expectations; and
2. the student remains under the supervision of the teacher or other school personnel during such brief duration.

Culturally responsive has the same meaning as "cultural competency" in [RCW 28A.410.270](#), which states "cultural competency" includes knowledge of student cultural histories and contexts, as well as family norms and values in different cultures, knowledge and skills in accessing community resources and community and parent outreach, and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students.

Discipline means any action taken by a school in response to behavioral violations.

Disruption of the educational process means the interruption of classwork, the creation of disorder, or the invasion of the rights of a student or group of students.

Emergency removal means the removal of a student from school because the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process, subject to the requirements in [WAC 392-400-510](#) through [WAC 392-400-530](#).

Expulsion means a denial of admission to the student's current school placement in response to a behavioral violation, subject to the requirements in [WAC 392-400-430](#) through [WAC 392-400-480](#).

Length of an academic term means the total number of school days in a single trimester or semester, as defined by the board of directors.

Other forms of discipline means actions used in response to behavioral violations, other than classroom exclusion, suspension, expulsion, or emergency removal, which may involve the use of best practices and strategies included in the state menu for behavior developed under [RCW 28A.165.035](#).

Parent has the same meaning as in [WAC 392-172A-01125](#), and means

- a. a biological or adoptive parent of a child;
- b. a foster parent;
- c. a guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the student, but not the state, if the student is a ward of the state;
- d. an individual acting in the place of a biological or adoptive parent, including a grandparent, stepparent, or other relative with whom the student lives, or an individual who is legally responsible for the student's welfare; or a surrogate parent who has been appointed in accordance with [WAC 392-172A.05130](#). If the biological or adoptive parent is attempting to act as the parent and more than one (1) party meets the qualifications to act as a parent, the biological or adoptive parent must be presumed to be the parent unless they do not have legal authority to make educational decisions for the student. If a judicial decree or order identifies a specific person or persons to act as the "parent" of a child or to make educational decisions on behalf of a child, then that person or persons shall be determined to be the parent for purposes of [Policy 3300](#) and this procedure.

School board means the governing board of directors of Everett Public Schools.

School business day means any calendar day except Saturdays, Sundays, and any federal and school holidays upon which the office of the superintendent is open to the public for business. A school business day concludes or terminates upon the closure of the superintendent's office for the calendar day.

School day means any day or partial day that students are in attendance at school for instructional purposes.

School personnel shall include but not be limited to administrators, teachers, substitute teachers, paraeducators, campus security officers, school resource officers, custodians, nurses, counselors, bus drivers, cooks, secretaries, librarians, lunchroom supervisors, assistant principals or principals.

Suspension means the denial of attendance in response to a behavioral violation from any subject or class, or from any full schedule of subjects or classes, but not including classroom exclusions, expulsions, or emergency removals. Suspension may also include denial of admission to or entry upon, real and personal property that is owned, leased, rented, or controlled by the district.

In-school suspension means a suspension in which a student is excluded from the student's regular educational setting but remains in the student's current school placement for up to ten (10) consecutive school days, subject to the requirements in [WAC 392-400-430](#) through [WAC 392-400-475](#).

Short-term suspension means a suspension in which a student is excluded from school for up to ten (10) consecutive school days, subject to the requirements in [WAC 392-400-430](#) through [WAC 392-400-475](#).

Long-term suspension means a suspension in which a student is excluded from school for more than ten (10) consecutive school days, subject to the requirements in [WAC 392-400-430](#) through [WAC 392-400-475](#).

Engaging with families and language assistance

The district will provide for early involvement of parents/guardians in efforts to support students in meeting behavioral expectations. Additionally, school personnel will make every reasonable attempt to involve the student and parent/guardian in the resolution of behavioral violations.

The district will take all reasonable steps to ensure that it provides all discipline related communications (oral and written) required in connection with [Policy 3300](#) and this procedure in a language the student and parents/guardians understand. These discipline-related communications include notices, hearings, conferences, meetings, plans, proceedings, agreements, petitions, and decisions. This effort may require language assistance for students and parents/guardians with limited-English proficiency under Title VI of the Civil Rights Act of 1964. For parents/guardians who are unable to read any language, the district will provide written material orally.

Supporting students with best practices and strategies

The district will implement culturally responsive discipline that provides every student the opportunity to achieve personal and academic success ([WAC 392-400-010\(2\)](#)). The administration of other forms of discipline may involve the use of best practices and strategies included in the [state menu for behavior](#) available online. Each district school will take into consideration the skills of school personnel and the needs of students when identifying a [continuum](#) of best practices and strategies school personnel should use to support students in meeting behavioral expectations.

Schools' handbooks, codes of conduct, and building discipline standards must not conflict with [Board Policy 3300](#), this procedure, or other board policies.

The district will ensure schools receive adequate support to effectively implement a [continuum](#) of identified best practices and strategies that:

1. Focus on prevention to reduce the use of exclusionary discipline practices.
2. Allow the exercise of professional judgment and skill sets.
3. May be adapted to individual student needs in a culturally responsive manner.

Each school within the district will implement best practices and strategies consistent with [Board Policy 3300](#) and this procedure and the district's Multi-Tiered System of Supports (MTSS) framework that integrates three (3) key components to success, 1) academics, 2) behavior, and 3) social emotional learning, to ensure access to equitable and culturally responsive learning opportunities.

In accordance with [WAC 392-400-110\(1\)\(e\)](#), the district has identified a [continuum](#) of best practices and strategies that school personnel should administer before or instead of exclusionary discipline to support students in meeting behavioral expectations based on OSPI's [Behavior: Menu of Best Practices and Strategies](#). The District's [Discipline Matrix](#) provides best practices and strategies that may be administered across severity levels of behavior violations at the classroom level and administrative level. These include but are not limited to, behavior support and monitoring practices, restorative justice practices, social skills instruction, de-escalation, and trauma-informed approaches.

All school personnel are authorized to implement the best practices and strategies identified above, as well as building discipline standards. At least annually, school personnel will review the identified best practices and strategies, as well as building discipline standards. The district will provide training for newly hired school personnel on implementation of the identified best practices and strategies.

Unless a student's presence poses an immediate and continuing danger to others, or a student's presence poses an immediate and continuing threat of material and substantial disruption to the educational process, school personnel must first attempt one (1) or more forms of other best practices and strategies to support students in meeting behavioral expectations before considering classroom exclusion, short-term suspension, or in-school suspension. Before considering imposing a long-term suspension or expulsion, school personnel must first consider one (1) or more best practices and strategies.

When administering best practices and strategies in response to behavioral violations, school personnel will follow [Board Policy 3300](#) and this procedure, as well as building discipline standards. Principals and certificated staff will develop written school procedures for administering discipline at each school with the participation of other school personnel, students, parents/guardians, families, and the community. Each school will:

1. Establish behavioral expectations with students and proactively teach expectations across various school settings.
2. Develop precise definitions for problem behaviors and behavioral violations to address differences in perceptions of subjective behaviors and reduce the effect of implicit bias.
3. Define the differences between minor and major behavior incidents to clarify the types of behaviors that may or may not result in classroom exclusion or are severe enough that an administrator needs to be involved.
4. Identify a continuum of best practices and strategies for classroom-based responses that building staff should administer before or instead of classroom exclusion to support students in meeting behavioral expectations.

Behavioral violations

[WAC 392-400-110](#) requires development and review of definitions for behavioral violations with the participation of school personnel, students, parents, families, and the community. Having sought the participation of school personnel, students, parents/guardians, families, and the community, the District's [Discipline Matrix](#) defines the types of behavior violations for which discipline—including other forms of discipline, classroom exclusion, suspension, and expulsion—may be administered.

The district will continue to further develop and/or revise the definitions for what constitutes behavioral violations to reduce the effect of implicit or unconscious bias. In addition to these district definitions, school principals will confer with certificated building employees at least annually to develop and/or review building discipline standards and uniform enforcement of those standards, and to establish criteria for determining when

certificated employees must complete classes to improve classroom management skills ([RCW 28A.400.110](#)). This development of building standards will also address differences in perceptions of subjective behaviors and reduce the effect of implicit or unconscious bias.

The district will support each school's building leadership and/or MTSS team to:

- ☐ Set at least one (1) goal annually for improving equitable student outcomes;
- ☐ Create an action plan or plans;
- ☐ Evaluate previous goals and action plans; and
- ☐ Revise goals and action plans based on evaluations.

Schools will share identified goals and action plans with all staff, students, parents, families, and the community.

Staff authority and exclusionary discipline

District staff members are responsible for supervising students immediately before and after the school day, during the school day, during school activities (whether on or off campus), on school grounds before or after school hours when a school group or school activity is using school grounds, off school grounds, if the actions of the student materially or substantially affect or interfere with the educational process, and on district provided transportation. Staff have the responsibility to provide a safe and supportive learning environment for all students during school-related activities. In accordance with [Board Policy 3300](#), district staff will administer discipline in ways that respond to the needs and strengths of students, support students in meeting behavioral expectations, and keep students in the classroom to the maximum extent possible.

Staff members will seek early involvement of parents/guardians in efforts to support students in meeting behavioral expectations. The superintendent has general authority to administer discipline, including all exclusionary discipline. The superintendent designates disciplinary authority to impose in-school suspension, short-term suspensions, long-term suspensions, expulsions, and emergency removals to principals and assistant principals.

Exclusion from district-provided transportation or extra-curricular activities and after-school detention

The superintendent authorizes principals and assistant principals to administer other forms of discipline that exclude a student from district-provided transportation services ([WAC 392-400-110\(1\)\(h\)](#)) or extracurricular activities or impose after-school detention. For students who meet the definition of homeless, the district will provide transportation according to [Board Policy 3115](#), Enrollment Rights and Services for Homeless Students.

School administrators will work with families of a student excluded from district provided transportation services to ensure the student can still participate in regular educational services or educational services provided during suspension or expulsion.

Staff may use after-school detention as another form of discipline. After-school detention will not be more than sixty (60) minutes on any given day. Before assigning after-school detention, the staff member will inform the student and parent/guardian of the specific behavioral violation prompting their decision to administer detention and provide the student with an opportunity to share their perspective and explanation regarding the behavioral violation. At least one (1) professional staff member will directly supervise students during the duration of any after-school detention.

Administering other forms of discipline cannot result in the denial or delay of the student's nutritionally adequate meal or prevent a student from accomplishing a specific academic grade, subject, or graduation requirement.

Students and parents/guardians may challenge the administration of other forms of discipline, including exclusions from district-provided transportation or extra-curricular activities and after-school detention using the district's Grievance Procedures for Classroom Exclusion and Other Forms of Discipline.

Classroom exclusions

Except for emergency circumstances, the teacher or other school personnel must first attempt one (1) or more other forms of discipline to support the student in meeting behavioral expectations before considering using classroom exclusion. Classroom exclusion may be administered for all or any portion of the balance of the school day. Classroom exclusion does not encompass removing a student from school, including sending a student home early or telling a parent/guardian to keep a student at home, based on a behavioral violation.

In non-emergency circumstances, after attempting at least one (1) other form of discipline as set forth in this procedure, teachers have statutory authority to exclude a student from their classroom or instructional or activity area for behavioral violations that disrupt the educational process while the student is under the teacher's immediate supervision in accordance with [Board Policy 3300](#) and this procedure and building discipline standards. As stated in [Board Policy 3300](#), the superintendent or designee, principals, assistant principals, and certificated staff will work together to develop definitions and consensus on what constitutes behavioral violations that disrupt the educational process to reduce the effect of implicit or unconscious bias.

Removing a student from school constitutes a suspension, expulsion, or emergency removal and must include the required notification and due process as outlined in this procedure.

The school will provide the student an opportunity to make up any assignments and tests missed during a classroom exclusion. The district will not administer other forms of discipline or classroom exclusions, in a manner that would result in the denial or delay of a nutritionally adequate meal to a student or prevent a student from accomplishing a specific academic grade, subject, or graduation requirements.

Following the classroom exclusion of a student, the teacher (or other school personnel as identified) must report the classroom exclusion, including the behavioral violation that led to the classroom exclusion, to the principal or designee as soon as reasonably possible. The principal or designee must report all classroom exclusions, including the specific behavioral violation that led to it to the superintendent or designee.

The teacher, principal or designee must notify the student's parents/guardians regarding the classroom exclusion as soon as reasonably possible. As noted above, the district will take all reasonable steps to ensure that this notification is in a language and form (i.e. oral or written) the parents/guardians understand.

When the teacher or other authorized school personnel administers a classroom exclusion because the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process:

1. The teacher or other school personnel must immediately notify the principal or designee; and
2. The principal or designee must meet with the student as soon as reasonably possible and administer appropriate discipline.

The district will address student and parent grievances regarding classroom exclusion through the district's grievance procedures below.

Grievance procedures for classroom exclusion and other forms of discipline

Any parent/guardian or student who is aggrieved by the administration of classroom exclusion and/or other forms of discipline, including discipline that excludes a student from district-provided transportation or extra-curricular activities and detention, has the right to an informal conference with the principal or designee for resolving the grievance. If the grievance pertains to the action of an employee, the district will notify that employee of the grievance in accordance with the applicable collective bargaining agreement.

At such conference, the student and parent/guardian will have the opportunity to voice issues and concerns related to the grievance and ask questions of staff members involved in the grievance matter. Staff members will have opportunity to respond to the issues and questions related to the grievance matter. Additionally, the

principal or designee will have opportunity to address issues and questions raised and to ask questions of the parent/guardian, student, and staff members.

If after exhausting this remedy the grievance is not yet resolved, the parent/guardian and student will have the right, upon two (2) school days prior notice, to present a written and/or oral grievance to the superintendent or designee. The superintendent or designee will provide the parent/guardian and student with a written copy of its response to the grievance within ten (10) school days. Use of the grievance process will not impede or postpone the disciplinary action, unless the principal or superintendent or designee elects to postpone the disciplinary action.

Suspensions and expulsions - general conditions and limitations

The district's use of suspension and expulsion will have a real and substantial relationship to the lawful maintenance and operation of the district, including but not limited to, the preservation of the health and safety of students and employees and the preservation of an educational process that is conducive to learning. The district will not administer discipline, including suspension and expulsion, in any manner related to a student's performance of or failure to perform any act not related to the orderly operation of the school or school-sponsored activities or any other aspect of preserving the educational process. The district will not administer any discipline, including suspension and expulsion, in a manner that would result in the denial or delay of a nutritionally adequate meal to a student or prevent a student from accomplishing a specific academic grade, subject, or graduation requirement.

The district will provide the parents/guardians an opportunity for involvement to support the student and resolve behavioral violations before administering suspension or expulsion. Additionally, the principal or assistant principal will consider the student's individual circumstances and the nature of the violation before administering any suspension or expulsion to determine whether the suspension or expulsion, and the length of the exclusion, is warranted.

The principal or assistant principal at each school must report all suspensions and expulsions, including the specific behavioral violation that led to the suspension or expulsion, to the superintendent or designee within twenty-four (24) hours after the administration of such suspension or expulsion.

An expulsion or suspension of a student may not be for an indefinite period and must have an end date. After suspending or expelling a student, the district will make reasonable efforts to return the student to the student's regular educational setting as soon as possible. Additionally, the district will allow the student to apply for readmission at any time. The district will not administer any discipline in a manner that prevents a student from completing subject, grade-level or graduation requirements.

When administering a suspension or expulsion, the district may deny a student admission to, or entry upon, real and personal property that the district owns, leases, rents, or controls. The district will provide an opportunity for students to receive educational services during a suspension or expulsion in accordance with [WAC 392-400-610](#). The district will not suspend or expel a student from school for absences or tardiness.

If during a suspension or expulsion the district enrolls a student in another program or course of study, the district will not preclude the student from returning to the student's regular educational setting following the end of the suspension or expulsion, unless one (1) of the following applies:

- ☐ The superintendent or designee grants a petition to extend a student's expulsion under [WAC 392-400-480](#);
- ☐ The change of setting is to protect victims under [WAC 392-400-810](#); or
- ☐ Other law precludes the student from returning to the student's regular educational setting.

In-school suspension and short-term suspension - conditions and limitations

The superintendent designates the school principal and assistant principal with the authority to administer in-school and short-term suspensions. Before considering administering an in-school or short-term suspension, staff members must have first attempted one (1) or more other forms of discipline to support the student in meeting behavioral expectations. Before administering in-school or short-term suspension, the district will consider the student's individual circumstances and the nature and circumstances of the behavioral violation to determine whether the suspension and the length of the suspension is warranted. The district will not administer in-school or short-term suspension in a manner that would result in the denial or delay of a nutritionally adequate meal to a student or prevent a student from accomplishing a specific academic grade, subject, or graduation requirements.

The district is not required to impose in-school or short-term suspensions and instead, strives to keep students in school, learning in a safe and appropriate environment. However, there are circumstances when the district may determine that in-school or short-term suspension is appropriate.

For students in kindergarten through fourth grade, the district will not administer an in-school or short-term suspension for more than ten (10) cumulative school days during any academic term.

For students in grades five through twelve, the district will not administer an in-school or short-term suspension for more than fifteen (15) cumulative school days during any single semester, or more than ten (10) cumulative school days during any single trimester. Additionally,

the district will not administer an in-school or short-term suspension for students in any grade beyond the school year in which the behavioral violation occurred.

The district will not administer in-school or short-term suspensions in a manner that would result in the denial or delay of a nutritionally adequate meal to a student.

When administering an in-school suspension, school personnel will ensure they are physically in the same location as the student to provide direct supervision during the duration of the in-school suspension. Additionally, school personnel will ensure they are accessible to offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes.

Long-term suspensions and expulsions - conditions and limitations

Before administering a long-term suspension or an expulsion, district personnel must consider other forms of discipline to support the student in meeting behavioral expectations. The district must also consider the other general conditions and limitations listed above.

Unless otherwise required by law, the district may, but is not required to, impose long-term suspensions or expulsions only for behavioral violations that meet the definitions provided under [RCW 28A.600.015](#) (6)(a) through (d), which include:

1. Having a firearm on school property or school transportation in violation of [RCW 28A.600.420](#);
2. Any of the following offenses listed in [RCW 13.04.155](#), including:
 - a. Any violent offense as defined in [RCW 9.94A.030](#), including:
 - any felony that Washington law defines as a class A felony or an attempt, criminal conspiracy, or solicitation to commit a class A felony,
 - manslaughter,
 - indecent liberties committed by forcible compulsion,
 - kidnapping,
 - arson,
 - assault in the second degree,
 - assault of a child in the second degree,
 - robbery,
 - drive-by shooting, and
 - vehicular homicide or vehicular assault caused by driving a vehicle while under the influence of intoxicating liquor or any drug, or by operating a vehicle in a reckless manner.

- b. any sex offense as defined in [RCW 9.94A.030](#), which includes any felony violation of [Chapter 9A.44 RCW](#) (other than failure to register as a sex offender in violation of [RCW 9A.44.132](#)), including rape, rape of a child, child molestation, sexual misconduct with a minor, indecent liberties, voyeurism, and any felony conviction or adjudication with a sexual motivation finding;
 - c. any weapons violation of [Chapter 9.41 RCW](#), including having a dangerous weapon at school in violation of [RCW 9.41.280](#);
 - d. Unlawful possession or delivery, or both, of a controlled substance in violation of [Chapter 69.50 RCW](#).
3. Two (2) or more violations of the following within a three (3)-year period:
- a. criminal gang intimidation in violation of [RCW 9A.46.120](#);
 - b. gang activity on school grounds in violation of [RCW 28A.600.455](#);
 - c. willfully disobeying school administrative personnel in violation of [RCW 28A.635.020](#); and
 - d. defacing or injuring school property in violation of [RCW 28A.635.060](#); and
4. Any student behavior that adversely affects the health or safety of other students or educational staff.

The district may only administer long-term suspension or expulsion for behavioral violations that meet the definitions provided under [RCW 28A.600.015](#)(6)(a) through (d) as outlined above, and after determining that the student would pose an imminent danger to others or, in the case of long-term suspension, an imminent threat of material and substantial disruption of the educational process should they return to school before an imposed length of exclusion.

Consistent with [Board Policy 3300](#) and this procedure, the district will work to develop definitions and consensus on what constitutes an imminent danger or imminent threat to reduce the effect of implicit or unconscious bias.

A long-term suspension may not exceed the length of an academic term. The district may not administer a long-term suspension beyond the school year in which the behavioral violation occurred.

An expulsion may not exceed the length of an academic term unless the superintendent grants a petition to extend the expulsion under [WAC 392-400-480](#). The district is not prohibited from administering an expulsion beyond the school year in which the behavioral violation occurred.

In accordance with [RCW 28A.600.420](#), a school district must expel a student for no less than one (1) year if the district has determined that the student has carried or possessed a firearm on school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools. The superintendent may modify the expulsion on a case-by-case basis.

The district may also suspend or expel a student for up to one (1) year if the student acts with malice (as defined under [RCW 9A.04.110](#)) and displays an instrument that appears to be a firearm on school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools. These provisions do not apply to students while engaged in a district authorized military education; a district authorized firearms convention or safety course; or district authorized rifle competition.

Except for a firearm violation under [WAC 392-400-820](#), the district will not impose a long-term suspension or an expulsion for any student in kindergarten through fourth grade.

If a long-term suspension or expulsion may exceed ten (10) days, the district will consider whether the student is currently eligible or might be deemed eligible for special education services. If so, the principal will notify relevant special education staff of the suspension or expulsion so that the district can ensure it follows [Board Policy 2210](#) and [Procedure 2210P](#), Special Education and Related Services for Eligible Students, as well as [Board Policy 3300](#) and this procedure.

After suspending or expelling a student, the district will make reasonable efforts to return the student to the student's regular educational setting as soon as possible.

Suspensions and expulsions—Initial hearing

Before administering any suspension or expulsion, the district will attempt to notify the student's parent(s) as soon as reasonably possible regarding the behavioral violation and the principal or designee will conduct an informal initial hearing with the student to hear the student's perspective. At the initial hearing, the principal or designee must provide the student an opportunity to contact their parent(s), or, in the case of long-term suspension or expulsion, the principal or designee must make a reasonable attempt to contact their parent(s) to provide an opportunity for the parents to participate in the initial hearing in person or by telephone. The district must hold the initial hearing in a language the student and parents understand.

At the initial hearing, the principal or designee will provide the student:

- ☐ Notice of the student's violation of [Board Policy 3300](#),
- ☐ An explanation of the evidence regarding the behavioral violation,
- ☐ An explanation of the discipline that may be administered, and
- ☐ An opportunity for the student to share their perspective and provide explanation regarding the behavioral violation.

Suspensions and expulsions—Notice

Following the initial hearing, the principal or designee will inform the student of the disciplinary decision regarding the behavioral violation, including the date when any suspension or expulsion will begin and end.

No later than one (1) school business day following the initial hearing with the student, the district will provide written notice of the suspension or expulsion to the student and parents in person, by mail, or by email in a language and form the student and parents will understand. The written notice must include:

- ☐ A description of the student's behavior and how the behavior violated per [Board Policy 3300](#).
- ☐ The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end.
- ☐ The other forms of discipline that the district considered or attempted, and an explanation of the district's decision to administer the suspension or expulsion.
- ☐ The opportunity to receive educational services during the suspension or expulsion.
- ☐ The right of the student and parent(s) to an informal conference with the principal or designee.
- ☐ The right of the student and parent(s) to appeal the suspension or expulsion.
- ☐ For any long-term suspension or expulsion, the opportunity for the student and parents to participate in a reengagement meeting.

Emergency removals - conditions and limitations

The district may immediately remove a student from the student's current school placement, subject to the following requirements. The district must have sufficient cause to believe that the student's presence poses:

1. An immediate and continuing danger to other students or school personnel; or
2. An immediate and continuing threat of material and substantial disruption of the educational process.

The district may not impose an emergency removal solely for investigating student conduct.

For purposes of determining sufficient cause for an emergency removal, the phrase "immediate and continuing threat of material and substantial disruption of the educational process" means:

1. The student's behavior results in an extreme disruption of the educational process that creates a substantial barrier to learning for other students across the school day; and

2. School personnel have exhausted reasonable attempts at administering other forms of discipline to support the student in meeting behavioral expectations.

An emergency removal may not exceed ten (10) consecutive school days. An emergency removal must end or be converted to another form of discipline within ten (10) school days from its start.

If the district converts an emergency removal to a suspension or expulsion, the district must:

1. Apply any days that the student was emergency removal before the conversion to the total length of the suspension or expulsion; and
2. Provide the student and parents with notice and due process rights under [WAC 392-400-430](#) through [WAC 392-400-480](#) appropriate to the new disciplinary action.

All emergency removals, including the reason the student's presence poses an immediate and continuing danger to other students or school personnel, must be reported to the Superintendent or designee within twenty-four (24) hours after the start of the emergency removal.

Emergency removals - notice

After an emergency removal, the district must attempt to notify the student's parents/guardians, as soon as reasonably possible, regarding the reason the district believes the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the education process.

Within twenty-four (24) hours after an emergency removal, the district will provide written notice to the student and parents/guardians in person, by mail, or by email in a language that the parent/guardian and student can understand. The written notice must include:

1. The reason the student's presence poses an immediate and continuing danger to students or school personnel, or poses an immediate and continuing threat of material and substantial disruption of the educational process;
2. The duration and conditions of the emergency removal, including the date on which the emergency removal will begin and end;
3. The opportunity to receive educational services during the emergency removal;
4. The right of the student and parents/guardians to an informal conference with the principal or designee; and
5. The right of the student and parents/guardians to appeal the emergency removal, including where and to whom the appeal must be requested.

Optional informal conference with the principal

If a student or the parents/guardians disagree with the school's decision to suspend, expel, or emergency expel the student, the student or parents/guardians may request an informal conference with the principal or designee to resolve the disagreement. The parent/guardian or student may request an informal conference orally or in writing.

The principal or designee must hold the conference within three (3) school business days after receiving the request, unless otherwise agreed to by the student and parents/guardians.

During the informal conference, the student and parents/guardians will have the opportunity to share the student's perspective and explanation regarding the behavioral violation and the events that led to the exclusion. The student and parent/guardian will also have the opportunity to confer with the principal or designee and school personnel involved in the incident that led to the suspension or expulsion and discuss other forms of discipline that the district could administer.

An informal conference will not limit the right of the student or parents/guardians to appeal the suspension, expulsion, or emergency removal, participate in a reengagement meeting, or apply for readmission.

Educational Services

The district will offer educational services to enable a student who is suspended, expelled or emergency expelled to:

- ☐ Continue to participate in the general education curriculum.
- ☐ Meet the educational standards established within the district.
- ☐ Complete subject, grade-level, and graduation requirements.

When providing a student the opportunity to receive educational services during exclusionary discipline, the school must consider:

- ☐ Meaningful input from the student, parents/guardians, and the student's teachers.
- ☐ Whether the student's regular educational services include English language development services, special education, accommodations and related services under Section 504 of the Rehabilitation Act of 1973, or supplemental services designed to support the student's academic achievement.
- ☐ Access to any necessary technology, transportation, or resources the student needs to participate fully in the educational services.

After considering the factors and input described above, the district will determine a student's educational services on a case-by-case basis. The types of educational services the district will consider include alternative schools, one-on-one tutoring (when available), and online learning. Any educational services in an alternative setting should be comparable, equitable, and appropriate to the regular educational services a student would have received in the absence of exclusionary discipline.

As soon as reasonably possible after administering a suspension or expulsion, the district will provide written notice to the student and parents/guardians about the educational services the district will provide. The notice will include a description of the educational services and the name and contact information of the school personnel who can offer support to keep the student current with assignments and course work.

For students subject to suspension or emergency removal up to five (5) days, a school must provide at least the following:

- ☐ Course work, including any assigned homework, from all of the student's regular subjects or classes.
- ☐ Access to school personnel who can offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes.
- ☐ An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency removal.

For students subject to suspension or emergency removal for six (6) to ten (10) consecutive school days, a school must provide at least the following:

- ☐ Course work, including any assigned homework, from all of the student's regular subjects or classes.
- ☐ An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency removal.
- ☐ Access to school personnel who can offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes. School personnel will make a reasonable attempt to contact the student or parents/guardians within three (3) school business days following the start of the suspension or emergency removal and periodically thereafter until the suspension or emergency removal ends to:
 - Coordinate the delivery and grading of course work between the student and the student's teachers at a frequency that would allow the student to keep current with assignments and course work for all of the student's regular subjects or classes; and

- Communicate with the student, parents/guardians, and the student's teachers about the student's academic progress.

For students subject to expulsion or suspension for more than ten (10) consecutive school days, a school will make provisions for educational services in accordance with the "Course of Study" provisions of [WAC 392-121-107](#).

Appeals

Requesting an appeal

The appeal provisions for long-term suspension and expulsion differ from those for in-school and short-term suspension. The appeal provisions for long-term suspension or expulsion and emergency removal have similarities but the timelines differ.

A student or parents/guardians may appeal a suspension, expulsion, or emergency removal to the superintendent or designee orally or in writing. For suspension or expulsion, the request to appeal must be within five (5) school business days from when the district provided the student and parent/guardian with written notice. For emergency removal, the request to appeal must be within three (3) school business days from when the district provided the student and parent/guardian with written notice.

When an appeal for long-term suspension or expulsion is pending, the district may continue to administer the long-term suspension or expulsion during the appeal process, subject to the following requirements:

1. The suspension or expulsion is for no more than ten (10) consecutive school days from the initial hearing or until the appeal is decided, whichever is earlier;
2. The district will apply any days of suspension or expulsion occurring before the appeal is decided to the term of the student's suspension or expulsion and may not extend the term of the student's suspension or expulsion; and
3. If the student returns to school before the appeal is decided, the district will provide the student an opportunity to make up assignments and tests missed during the suspension or expulsion upon the student's return.

In-school and short-term suspension appeal

For in-school and short-term suspensions, the superintendent or designee will provide the student and parents/guardians the opportunity to share the student's perspective and explanation regarding the behavioral violation orally or in writing.

The superintendent or designee must deliver a written appeal decision to the student and parents/guardians in person, by mail, or by email within two (2) school business days after receiving the appeal. The written decision will include:

1. The decision to affirm, reverse, or modify the suspension;
2. The duration and conditions of the suspension, including the beginning and ending dates;
3. The educational services the district will offer to the student during the suspension; and
4. Notice of the student and parents'/guardians' right to request review and reconsideration of the appeal decision, including where and to whom to make such a request.

Long-term suspension or expulsion and emergency removal appeal

For long-term suspension or expulsion and emergency removals, the superintendent or designee will provide the student and parents/guardians written notice in person, by mail, or by email, within one (1) school business day after receiving the appeal request, unless the parties agree to a different timeline. Written notice will include:

1. The time, date, and location of the appeal hearing;
2. The name(s) of the official(s) presiding over the appeal;
3. The right of the student and parents/guardians to inspect the student's education records;
4. The right of the student and parents/guardians to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing;
5. The rights of the student and parents/guardians to be represented by legal counsel, question witnesses, share the student's perspective and explanation, and introduce relevant documentary, physical, or testimonial evidence; and
6. Whether the district will offer a reengagement meeting before the appeal hearing.

For long-term suspension or expulsion, the student, parents/guardians and district may agree to hold a reengagement meeting and develop a reengagement plan before the appeal hearing. The student, parents/guardians, and district may mutually agree to postpone the appeal hearing while participating in the reengagement process.

Hearings

A hearing to appeal a long-term suspension or expulsion or emergency removal is a quasi-judicial process exempt from the Open Public Meetings Act (OPMA). To protect the privacy of students and others involved, the district will hold a hearing without public notice and without public access unless the student and/or the parents/guardians or their counsel requests an open hearing. Regardless of whether the hearing is open or closed, the

district will make reasonable efforts to comply with the Family Educational Rights and Privacy Act (FERPA) concerning confidentiality of student education records.

When multiple students are charged with violating the same rule and have acted in concert and the facts are essentially the same for all students, a single hearing may be conducted for them if the hearing officer believes that the following conditions exist:

1. A single hearing will not likely result in confusion; and
2. No student will have their interest substantially prejudiced by a group hearing.

If the official presiding over the hearing finds that a student's interests will be substantially prejudiced by a group hearing, the presiding official may order a separate hearing for that student. The parent/guardian and student have the right to petition for an individual hearing.

For long-term suspension or expulsion, the district will hold an appeal hearing within three (3) school business days after the superintendent or designee received the appeal request, unless otherwise agreed to by the student and parents/guardians.

For emergency removal, the district will hold an appeal hearing within two (2) school business days after the superintendent or designee received the appeal request, unless the student and parents/guardians agree to another time.

A hearing officer will be designated to hear and decide long-term suspension or expulsion, or emergency removal appeals. The presiding official may not have been involved in the student's behavioral violation or the decision to suspend or expel the student.

Upon request, the student and parents/guardians or their legal representative may inspect any documentary or physical evidence and list of any witnesses that the district will introduce at the appeal hearing. The district must make the information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing. The district may also request to inspect any documentary or physical evidence and list of any witnesses that the student and parents/guardians intend to introduce at the appeal hearing. The student and parents/guardians must make this information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

Upon request, the student and parents/guardians may review the student's education records. The district will make the records available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

If a witness for the district cannot or does not appear at the appeal hearing, the presiding official may excuse the witness' nonappearance if the district establishes that:

1. The district made a reasonable effort to produce the witness; and
2. The witness' failure to appear is excused by fear of reprisal or another compelling reason.

The district will record the appeal hearing by manual, electronic, or other type of recording device and upon request of the student or parents/guardians provide them a copy of the recording.

For long-term suspension or expulsion, the presiding official must base the decision solely on the evidence presented at the hearing. The presiding official will provide a written decision to the student and parents/guardians in person, by mail, or by email within three (3) school business days after the appeal hearing. The written decision must include:

1. The findings of fact;
2. A determination whether
 - a. the student's behavior violated [Policy 3300](#),
 - b. the behavioral violation reasonably warrants the suspension or expulsion and the length of the suspension or expulsion, and
 - c. the long-term suspension or expulsion is affirmed, reversed, or modified;
3. The duration and conditions of long-term suspension or expulsion, including the beginning and ending dates;
4. Notice of the right of the student and parents/guardians to request a review and reconsideration of the appeal decision. The notice will include where and to whom to make such a request; and
5. Notice of the opportunity for a reengagement meeting and contact information for the person who will schedule it.

For emergency removal, the presiding official will provide a written decision to the student and parents/guardians in person, by mail, or by email within one (1) school business day after the appeal hearing. The written decision must include:

1. The findings of fact;
2. A determination whether the student's presence continues to pose
 - a. an immediate and continuing danger to students or school personnel, or
 - b. an immediate and continuing threat of material and substantial disruption of the educational process;
3. Whether the district will end the emergency removal or convert the emergency removal to a suspension or expulsion. If the district converts the emergency removal to a suspension or expulsion, the district will

provide the student and parents/guardians notice and due process consistent with the disciplinary action to which the emergency removal was converted; and

4. Notice of the right of the student and parents/guardians to request a review and reconsideration of the appeal decision. The notice will include where and to whom to make such a request.

Reconsideration of appeal

The student or parents/guardians may request the discipline appeal council review and reconsider the district's appeal decision for suspension, expulsion, and emergency removal. This request may be either oral or in writing.

For long-term suspension or expulsion, the student or parents/guardians may request a review within ten (10) school business days from when the district provided the student and parents/guardians with the written appeal decision.

For emergency removal, the student or parents/guardians may request a review within five (5) school business days from when the district provided the student and parents/guardians with the written appeal decision.

1. In reviewing the district's decision, the discipline appeal council must consider
 - a. all documentary and physical evidence from the appeal hearing related to the behavioral violation,
 - b. any records from the appeal hearing,
 - c. relevant state law, and
 - d. [Policy 3300](#).
2. The discipline appeal council may request to meet with the student and parents/guardians, the principal or designee, witnesses, and/or school personnel to hear further arguments and gather additional information.
3. The decision of the discipline appeal council will be made only by discipline appeal council members who were not involved in
 - a. the behavioral violation,
 - b. the decision to suspend or expel the student, or
 - c. the appeal decision. If the discipline appeal council presided over the appeal hearing, the board will conduct the review and reconsideration.

For suspension or expulsion, the discipline appeal council will provide a written decision to the student and parents/guardians in person, by mail, or by email within ten (10) school business days after receiving the request for review and reconsideration. The written decision must identify:

1. Whether the discipline appeal council affirms, reverses, or modifies the suspension or expulsion;

2. The duration and conditions of the suspension or expulsion, including the beginning and ending dates of the suspension or expulsion; and
3. For long-term suspensions or expulsions, notice of the opportunity to participate in a reengagement meeting.

For emergency removal, the discipline appeal council will provide a written decision to the student and parents/guardians in person, by mail, or by email within five (5) school business days after receiving the request for review and reconsideration. The written decision must identify:

1. Whether the discipline appeal council affirms or reverses the district's decision that the student's presence posed:
 - a. an immediate and continuing danger to students or school personnel, or
 - b. an immediate and continuing threat of material and substantial disruption of the educational process.
2. If the emergency removal has not yet ended or been converted, whether the district will end the emergency removal or convert the emergency removal to a suspension or expulsion. If the district converts the emergency removal to a suspension or expulsion, the district will provide the student and parents/guardians notice and due process under [WAC 392-400-455](#) through [WAC 392-400-480](#) consistent with the disciplinary action to which the emergency removal was converted.

Petition to extend an expulsion

When risk to public health or safety warrants extending a student's expulsion, the principal or designee may petition the superintendent or designee for authorization to exceed the academic term limitation on an expulsion. The petition must inform the superintendent or designee of:

1. The behavioral violation that resulted in the expulsion and the public health or safety concerns;
2. The student's academic, attendance, and discipline history;
3. Any nonacademic supports and behavioral services the student was offered or received during the expulsion;
4. The student's academic progress during the expulsion and the educational services available to the student during the expulsion;
5. The proposed extended length of the expulsion; and
6. The student's reengagement plan.

The principal or designee may petition to extend an expulsion only after the development of a reengagement plan under [WAC 392-400-710](#) and before the end of the expulsion. For violations of [WAC 392-400-820](#) involving a firearm on school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools, the principal or designee may petition to extend an expulsion at any time.

Notice of petition to extend an expulsion

The district will provide written notice of a petition to the student and parents/guardians in person, by mail, or by email within one (1) school business day from the date the superintendent or designee received the petition. The written notice must include:

1. A copy of the petition;
2. The right of the student and parents/guardians to an informal conference with the superintendent or designee to be held within five (5) school business days from the date the district provided written notice to the student and parents/guardians; and
3. The right of the student and parents/guardians to respond to the petition orally or in writing to the superintendent or designee within five (5) school business days from the date the district provided the written notice.

The superintendent or designee may grant the petition only if there is substantial evidence that, if the student were to return to the student's previous school of placement after the length of an academic term, the student would pose a risk to public health or safety. The superintendent or designee must deliver a written decision to the principal or designee, the student, and the student's parents/guardians in person, by mail, or by email within ten (10) school business days after receiving the petition.

If the superintendent or designee does not grant the petition, the written decision must identify the date when the expulsion will end.

If the superintendent or designee grants the petition, the written decision must include:

1. The date on which the extended expulsion will end;
2. The reason that, if the student were to return before the initial expulsion end date, the student would pose a risk to public health or safety; and
3. Notice of the right of the student and parents/guardians to request a review and reconsideration. The notice will include where and to whom to make such a request;

Review and reconsideration of extension of expulsion

The student or parents/guardians may request that the discipline appeal council review and reconsider the decision to extend the student's expulsion. The student or parents/guardians may request the review orally or in writing within ten (10) school business days from the date the superintendent or designee provides the written decision.

The discipline appeal council may request to meet with the student or parents/guardians or the principal to hear further arguments and gather additional information.

The decision of the discipline appeal council may be made only by discipline appeal council members who were not involved in the behavioral violation, the decision to expel the student, or the appeal decision.

The discipline appeal council will provide a written decision to the student and parents/guardians in person, by mail, or by email within ten (10) school business days after receiving the request for review and reconsideration. The written decision must identify:

1. Whether the discipline appeal council affirms, reverses, or modifies the decision to extend the student's expulsion; and
2. The date when the extended expulsion will end.

Any extension of an expulsion may not exceed the length of an academic term.

The district will annually report the number of petitions approved and denied to the Office of Superintendent of Public Instruction.

Readmission

Readmission application process

The readmission process is different from and does not replace the appeal process. Students who have been suspended or expelled may make a written request for readmission to the district at any time. If a student desires to be readmitted to the district, the student will submit a written application to the superintendent's designee, who shall recommend admission or non-admission to the superintendent. The application will include:

1. The reasons the student wants to return and why the request should be considered;
2. Any evidence that supports the request; and
3. A supporting statement from the parent/guardian or others who may have assisted the student.

The superintendent will, in writing, advise the student and parent/guardian of the decision within seven (7) school days of the receipt of such application.

Reengagement

Reengagement meeting

The reengagement process is distinct from a written request for readmission. The reengagement meeting is also distinct from the appeal process, including an appeal hearing, and does not replace an appeal hearing. The district must convene a reengagement meeting for students with a long-term suspension or expulsion.

Before convening a reengagement meeting, the district will communicate with the student and parents/guardians to schedule the meeting time and location. The purpose of the reengagement meeting is to discuss with the student and the student's parents/guardians a plan to reengage the student. The reengagement meeting must occur:

1. Within twenty (20) calendar days of the start of the student's long-term suspension or expulsion, but no later than five (5) calendar days before the student's return to school; or
2. As soon as reasonably possible, if the student or parents/guardians request a prompt reengagement meeting.

Reengagement plan

The district will collaborate with the student and parents/guardians to develop a culturally-sensitive and culturally-responsive reengagement plan tailored to the student's individual circumstances to support the student in successfully returning to school. In developing a reengagement plan, the district must consider:

- ☐ The nature and circumstances of the incident that led to the student's suspension or expulsion;
- ☐ As appropriate, students' cultural histories and contexts, family cultural norms and values, community resources, and community and parent/guardian outreach;
- ☐ Shortening the length of time that the student is suspended or expelled;
- ☐ Providing academic and nonacademic supports that aid in the student's academic success and keep the student engaged and on track to graduate; and
- ☐ Supporting the student, parents/guardians, or school personnel in taking action to remedy the circumstances that resulted in the suspension or expulsion and preventing similar circumstances from recurring.

The district must document the reengagement plan and provide a copy of the plan to the student and parents/guardians. The district must take reasonable steps to ensure that both the reengagement meeting and the reengagement plan are in a language the student and parents/guardians understand.

Behavior agreements

The district authorizes principals and assistant principals to enter into behavior agreements with students and parents/guardians in response to behavioral violations, including agreements to reduce the length of a suspension conditioned on the participation in treatment services, agreements in lieu of suspension or expulsion, or agreements holding a suspension or expulsion in abeyance. Behavior agreements will also describe district actions planned to support behavior changes by the students in meeting behavioral expectations. Behavior agreements may be supplemental to but will not replace best practices and strategies implemented at the classroom level to support students in meeting behavioral expectations.

Behavior agreements entered into with students and parents under this section may not replace or negate provisions within a student's Individual Education Plan (IEP), 504 Plan, or Behavioral Intervention Plan (BIP). The district will provide any behavior agreement in a language and form the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

A behavior agreement does not waive a student's opportunity to participate in a reengagement meeting or to receive educational services. The duration of a behavior agreement must not exceed the length of an academic term. A behavior agreement does not preclude the district from administering discipline for behavioral violations that occur after the district enters into an agreement with the student and parents.

Exceptions for protecting victims

The district may preclude a student from returning to the student's regular educational setting following the end date of a suspension or expulsion to protect victims of certain offenses as follows:

1. A student committing an offense under [RCW 28A.600.460\(2\)](#), when the activity is directed toward the teacher, shall not be assigned to that teacher's classroom for the duration of the student's attendance at that school or any other school where the teacher is assigned;
2. A student who commits an offense under [RCW 28A.600.460\(3\)](#), when directed toward another student, may be removed from the classroom of the victim for the duration of the student's attendance at that school or any other school where the victim is enrolled.

Student Discipline Data

The district will use disaggregated data collected under [RCW 28A.300.042](#) to monitor the impact of student discipline practices, as well as to improve fairness and equity in the administration of student discipline. Discipline data must be disaggregated by:

1. School;
2. Student groups, including by gender, grade level, race/ethnicity (including further disaggregation of federal race and ethnicity categories in accordance with [RCW 28A.300.042\(1\)](#) and CEDARS Appendices Y and Z), low-income, English language learner, migrant, special education, Section 504, foster care, and homeless;
3. Behavioral violation; and
4. Discipline types, including classroom exclusion, in-school suspension, short-term suspension, long-term suspension, emergency removal, and expulsion.

The district will follow the practices outlined in guidance from the [Race and Ethnicity Student Data Task Force](#) when disaggregating broader racial categories into subracial and subethnic categories. The district will consider student program status and demographic information (i.e. gender, grade-level, low-income, English language learner, migrant, special education, Section 504, foster care, and homeless) when disaggregating student race and ethnicity data to identify any within-group variation in school discipline experiences and outcomes of diverse student groups. This process may include reviewing data to prevent and address discrimination against students in protected classes identified in [Chapter 28A.640 RCW](#) and [Chapter 28A.642 RCW](#); however, the district will ensure it reviews disaggregated discipline data in accordance with [WAC 392-190-048](#) at least annually.

Discipline of Special Education Students

Policy 3318 ▼

Notwithstanding any other provision of [Board Policy 3300](#) and [Procedure 3300P](#), no discipline, suspension, or expulsion shall be imposed upon any special education student for any behavior related to the student's disability unless provision for such discipline has been included in the individualized education program (IEP), except when the student's conduct falls within [Board Policy 3300](#) and [Procedure 3300P](#).

If the behavior of a special education student is likely to lead to a recommendation of suspension or non-emergency removal or is of a recurring nature leading to the imposition of repeated discipline, a meeting is to be held within three (3) school days in the manner provided for in the fourth paragraph of Policy 3318. The purpose of such meeting is to determine if the student's recurring behavior warrants disciplinary action or indicates a need for a change of placement or a reassessment per [Procedure 2211P](#).

If a special education student is suspended or expelled, the principal imposing the suspension or expulsion shall promptly notify the executive director of special services in writing.

No special education student shall be subject to a long-term suspension or non-emergency removal from school until a meeting has been held with the principal, the student's primary teacher, and district special educational personnel knowledgeable about placement options and about the particular student who is the subject of the contemplated action. The meeting shall take place within three (3) school days after the parents receive notice of the infraction believed to have been committed by the student.

The purpose of the meeting shall be to determine whether the student's behavior for which long-term suspension or expulsion is being considered is related to the student's disability, or whether the student's behavior for which the long-term suspension or expulsion is being considered indicates a need for a change of placement or a reassessment. If the staffing process leads to the conclusion that the behavior which the student is alleged to have engaged in is not related to the student's disability and that the student is not in need of a change of placement or reassessment, [Board Policy 3300](#) and [Procedure 3300P](#) shall apply.

The meeting shall be fully documented, and a written report of the results of the meeting shall be submitted promptly to the executive director of special services, the student's primary building administrator, and the student's parent or guardian. The report of the meeting shall include the date, time, and place of the meeting; the participants in the meeting; the sources of information used in reaching the decision(s); and the decisions regarding the relationship of the alleged behavior to the student's disability and whether a reassessment or change of placement is recommended.

If, following all of the procedures set forth in the preceding paragraph and those set forth in [Board Policy 3300](#) and [Procedure 3300P](#), the district determines that a long-term suspension or non-emergency removal should be imposed upon a special education student, the student and parent or guardian shall be notified of such long-term suspension or expulsion by a written statement which indicates that such long-term suspension or expulsion is a change of placement and which conforms to the requirements of [WAC 392-172A-05140](#) through [05155](#). The notice shall also conform with the required procedures set forth under [Procedure 3300P](#) and advise of hearing rights available under [Board Policy 3300](#) and [Procedure 3300P](#), and any hearing rights available under [WAC 392-172A-05160](#) through [05170](#).

Discipline Appeal Council

Policy 3320 ▼

The board of directors delegates its authority to hear and decide discipline grievance appeals, not including long-term suspensions, expulsions, or emergency removals, to a discipline appeal council. The council shall include a board member at large; other members of the Council shall be recommended by the superintendent for consideration and appointed by the board of directors on a yearly basis. All council members shall be knowledgeable about the discipline rules set forth in [Chapter 392-400 WAC](#), *et seq.* and of the district's discipline policies and procedures.

Any decision by the discipline appeal council to impose or to affirm, reverse, or modify the imposition of discipline shall be made:

1. Only by those council members who have heard or read the evidence;
2. Only by those council members who have not acted as a witness in the matter; and
3. Only at a meeting at which a quorum of the council is present and by majority vote.

The council shall notify the student and parent or guardian of its response to the grievance within ten (10) school business days after the date of the meeting.

The superintendent will provide a report to the board on an annual basis on the number and types of appeals heard by the discipline appeal council.

Use of Physical Restraint and Isolation with Students

Policy 3319 ▼

The district strives to maintain a safe and beneficial learning environment for all 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. Restraint, isolation, and other forms of reasonable force may be used on a student when reasonably necessary to control spontaneous behavior that poses an imminent likelihood of serious harm as defined by [RCW 71.05.020](#) and [Chapter 392-172A WAC](#) and explained in [Procedure 3319P](#).

If restraint or isolation as defined by state law is used, school staff will promptly notify the principal or principal's designee, who will verbally notify the parent/guardian

of the affected student within 24 hours and will send written notification to the parent/guardian of the affected student within five (5) business days of the use of restraint or isolation. School staff will document the incident in a written report within two (2) business days. The principal or principal's designee will review the incident with the staff member involved and the student and the parent/guardian.

Parents or guardians of students who have individualized education programs (IEPs) or Section 504 plans will be provided a copy of the district's policy and procedure on use of physical restraint and isolation at the time the IEP or plan is created. In addition, the IEP or Section 504 plan will include within the plan procedures for notification of a parent/guardian regarding the use of restraint or isolation.

Procedure

3319P ▼

Applicability

This procedure applies to all students when such students are participating in school-sponsored instruction or activities, including those who have an individualized education program (IEP) or Section 504 plan.

Definitions

The following definitions shall apply to [Board Policy 3319](#) and this procedure.

1. Isolation: Restricting a student alone within a room or any other form of enclosure from which the student may not leave. It does not include a student's voluntary use of a quiet space for self-calming, or temporary removal of a student from their regular instructional area to an unlocked area for purposes of carrying out an appropriate positive behavior intervention plan.
2. Restraint: Physical intervention or force used to control a student, including the use of a restraint device to restrict a student's freedom of movement. It does not include appropriate use of a prescribed medical, orthopedic or therapeutic device when used as intended, such as to achieve proper body position, balance or alignment or to permit a student to safely participate in activities.
3. Restraint device: The only restraint device approved for use by district educational personnel is a seat safety harness used to transport a student. Law enforcement personnel may use more restrictive mechanical restraint devices in the regular course of their assigned duties.
4. Imminent: The state or condition of being likely to occur at any moment or near at

hand, rather than distant or remote.

5. Likelihood of serious harm:
 - a. A substantial risk that:
 - i. Physical harm will be inflicted by a person upon themselves, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself;
 - ii. Physical harm will be inflicted by a person upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm; or
 - iii. Physical harm will be inflicted by a person upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others.
 - b. The person has threatened the physical safety of another and has a history of one or more violent acts.
6. Physical force: The use of bodily force or physical restriction that substantially immobilizes or reduces the freedom of movement of a student.

Use of restraint or isolation

Restraint or isolation may be used:

1. When reasonably necessary to control spontaneous behavior that poses an imminent likelihood of serious harm until such time as the likelihood of serious harm has dissipated.
2. When the restraint or isolation is carefully monitored to prevent harm to the student.
3. When the least amount of restraint or isolation appropriate to protect the safety of students and staff under the circumstances is applied.
4. Only by those employees trained and currently certified by a qualified provider in the use of trauma-informed crisis intervention (including de-escalation techniques) and the safe use of isolation, restraint, and/or restraint devices, unless trained personnel are not immediately available due to the unforeseeable nature of the emergency.

Restraint or isolation will not be used:

1. As a form of discipline or punishment.
2. When the student is no longer at risk of causing imminent bodily injury to themselves or others.
3. If the employee knows that the student has a health condition that would be

exacerbated by the use of such technique.

4. If the restraint interferes with the student's breathing. A student must not be subjected to the use of prone (lying face-down) or supine (lying face-up) restraint, wall restraint, or any restraint that interferes with the student's breathing.
5. A student must not be physically restrained or immobilized by binding or otherwise attaching the student's limbs together or by binding or otherwise attaching any part of the student's body to an object or against a wall or the floor, except under the conditions set forth in [WAC 392-172A.02110](#).

Follow up after the use of physical restraint or isolation

1. Notify: The principal or principal's designee must make a reasonable effort to verbally inform the student's parent/guardian within twenty-four (24) hours of the incident and send written notification as soon as practical, but postmarked no later than five (5) business days after the restraint or isolation occurred. If the school or district customarily provides the parent/guardian with school-related information in a language other than English, the written report must be provided to the parent/guardian in that language.
2. Review: Following the release of a student from the use of restraint or isolation, the principal or principal's designee must review the incident. This review must include:
 - a. reviewing the incident with the student and the parent/ guardian to address the behavior that precipitated the restraint or isolation and the appropriateness of the response, and
 - b. reviewing the incident with the staff member who administered the restraint or isolation to discuss whether proper procedures were followed and what training or support the staff member needs to help the student avoid similar incidents.
3. Report: Any school employee, school resource officer, or school security officer who uses isolation or restraint on a student during school-sponsored instruction or activities must inform the building principal or designee as soon as possible, and within two (2) business days submit a written report of the incident to the district office. The written report must include:
 - a. Date and time of the incident;
 - b. The name and job title of the individual who administered the restraint or isolation;
 - c. A description of the activity that led to the restraint or isolation;
 - d. The type of restraint or isolation used on

the student, including the duration; and

- e. Any physical injury to the student or staff member during the restraint or isolation and any medical care provided.
 - f. Any recommendations for changing the nature or amount of resources available to the student and staff members in order to avoid similar incidents.
4. By January 1st annually, the district will summarize the written reports received under this procedure and submit summaries to the office of the superintendent of public instruction, including the number of individual incidents of restraint and isolation, the number of students involved in the incidents, the number of injuries to students and staff, and the types of restraint or isolation used.
 5. Resolution of Concerns About the Use of Force Incident: a student or the student's parent/guardian who has concerns regarding a specific incident involving restraint, isolation or other forms of reasonable force may seek to resolve the concern by using the district's complaint process which is set forth in [Board Policy 4312](#) and [Procedure 4312](#), Complaints to Board Members Concerning Staff.

Special education and Section 504 students

A copy of the district policy and procedure on the use of isolation and restraint must be presented to the parent or guardian at the time the IEP or plan is created. The IEP or Section 504 plan must include within the IEP or plan procedures for notification of the parent/guardian regarding the use of restraint or isolation under [RCW 28A.600.485](#).

Consistent with provisions found in [Chapter 392-172A WAC](#), nothing in this procedure precludes the use of restraint or isolation as part of a behavior intervention plan in an IEP or a Section 504 plan, provided the student requires more specific advanced educational planning and the parent/guardian agrees to the use of these techniques in writing.

If the parent/guardian and district determine that a student requires advance educational planning, they may develop emergency response protocols in accordance with [WAC 392-172A-02015](#) to be used in the case of emergencies that pose an imminent likelihood of serious harm and incorporate them into a student's IEP.

If a student is receiving special education services through placement in an authorized entity under RCW 28A.155.060, the student's IEP must also specify any additional procedures required to ensure the authorized entity fully complies with state law governing the use of restraint and isolation.

Special education isolation procedures

Isolation refers generally to a set of procedures employed to remove an individual from (or to remove from the individual) sources of reinforcement (reward) that are

presumed to be fostering or maintaining aggressive, dangerous, destructive or significantly disruptive behaviors. Timeout procedures range from simply requiring a student for a brief period of time to observe rather than participate in an activity, to isolation which means removing the student to a separate safe room until the student ceases the behavior which resulted in the timeout.

1. Provisions

- a. The recommendations set forth herein, and internal district procedures adopted pursuant hereto, are intended solely for the general guidelines of district personnel. They are not intended to, do not, and may not be relied upon to create a right or benefit, substantive or procedural, enforceable at law by a party to litigation with the district's board of directors, or district personnel.
- b. These recommendations in no way detract from any district employee's lawful use of force, as defined in [RCW 9A.16.020](#).
- c. These recommendations are solely intended to provide general guidance for district employees concerning the use of the special education safe room isolation procedures (as defined above).
- d. Exceptional circumstances may justify a deviation from these guidelines. Whenever possible, supervisory approval shall be sought and obtained before any employee acts contrary to these guidelines. If there is insufficient time to seek and obtain such supervisory authorization, an employee may depart from these guidelines if the employee concludes that it is appropriate to do so. Any exceptional action shall be reported to the administration as soon as is reasonably possible.

2. When to Use Most Restrictive Isolation Procedures

- a. The most restrictive isolation procedures are to be used as a last resort in addressing disruptive and dangerous behavior by severely disabled students.
- i. The district should develop guidelines which set forth a continuum of various isolation responses, which involve varying degrees of restrictions upon the child.
- ii. The choice of appropriate isolation responses along the continuum is made with informed discretion.

Victims of Criminal Offenses

Policy 3310 ▼

Pursuant to federal law, a student who is a victim of a violent criminal offense while in or on the grounds of the district school that the student attends will be offered the opportunity to attend another district school. The superintendent is directed to develop procedures to implement this policy.

Procedure

3310P ▼

A student who is a victim of a violent criminal offense while in or on the grounds of the district school he or she attends will be offered the opportunity to transfer to another district school that is not identified by the State as “persistently dangerous.” This offer shall be extended to the student within ten school business days of the district’s determination that the student has been the victim of such an offense.

For the purposes of [Board Policy 3310](#) and this procedure, a “violent criminal offense” means:

- ☐ Assault—Physical harm [Chapter 9A.36 RCW](#)
- ☐ Harassment [Chapter 9A.46 RCW](#)
- ☐ Kidnapping, unlawful imprisonment, custodial interference, luring, trafficking and coercion of involuntary servitude [Chapter 9A.40 RCW](#)
- ☐ Sex offenses [Chapter 9A.44 RCW](#)
- ☐ Theft and robbery [Chapter 9A.56 RCW](#)
- ☐ Arson, reckless burning, and malicious mischief [Chapter 9A.48 RCW](#)

For purposes of [Board Policy 3310](#) and this procedure, a “victim of a violent criminal offense” shall mean a student who has been the victim of a violent offense which may be punishable by expulsion according to district policy or has been the victim of one of the offenses listed above as defined by the Washington State Criminal Code and as verified by a local law enforcement officer or judicial officer.

PART III.

Teacher responsibilities and rights

Teacher Responsibilities and Rights

Policy 3332 ▼

General provisions

- A. It is recognized that every teacher has the right and responsibility to expect acceptable behavior in the maintenance of a sound learning environment on the part of all students.
- B. Discipline shall be enforced fairly and consistently regardless of race, creed, sex or status.
- C. A teacher may use such appropriate action as is necessary to protect a student, themselves, or others from physical abuse or injury.
- D. The administration, board, and teachers shall be mutually cooperative in their use of prudent disciplinary measures to maintain discipline and protect the safety and wellbeing of students, employees and others.
- E. Each teacher shall maintain good order and discipline in the classroom, in the hallways, and on the playgrounds or other common areas of the school.
- F. Each teacher assigned to classroom duties shall keep and maintain accurate attendance records of students.
- G. Each teacher shall set an appropriate example of personal conduct and shall avoid making any statements to any student which may be demeaning or personally offensive to any student or group of students.
- B. Classroom exclusion: The teacher may impose classroom exclusion of a student in accordance with [Board Policy 3300](#) and [Procedure 3300P](#).
- C. When a teacher deems it necessary, they may recommend to the principal that a student receive discipline or exclusion from the teacher's classroom. Before implementing a suspension or expulsion, staff must follow the procedures set forth in [Procedure 3300P](#).
- D. Each teacher shall be promptly advised of any complaint made to the principal or other district administrator regarding the teacher's discipline of students. The teacher shall be given the opportunity to present their version of the incident and to meet with the complaining party in the event that a conference with the complaining party is arranged.

Procedure

3332P ▼

Certificated staff shall share responsibility for supervising the behavior of students and for maintaining the standards of conduct which have been established.

Certificated non-supervisory staff shall have the right to:

1. Expect students to comply with school rules.
2. Participate in the review and/or development of school rules relating to student conduct and behavioral expectations at least once each year. School rules shall be consistent with district policies and procedures relating to student conduct expectations.
3. Exclude a student from the teacher's classroom for violations of student conduct and behavioral expectations that disrupt the educational process in accordance with [Board Policy 3300](#) and [Procedure 3300P](#). Prior to excluding a student, the teacher must attempt one (1) or more other forms of discipline to support the student in meeting behavioral expectations, unless the student's presence poses an immediate and continuing danger to other students or of the educational process. A classroom exclusion may be administered for all or any portion of the balance of the school day in which the student was excluded from the student's classroom or instructional or activity area.

Procedures

- A. The teacher shall have the right and it shall be the teacher's responsibility to maintain good order and discipline in the classrooms at all times. It is recognized that under most circumstances, methods to maintain good order and discipline should be utilized within the classroom setting which cause the least disruption of the educational process for the student and others.

4. Receive any complaint or grievance regarding disciplinary action of students. They shall be given the opportunity to present their version of the incident and to meet with the complaining party in the event that a conference is arranged.

Certificated staff shall have the responsibility to:

1. Observe the rights of students.
2. Supervise student behavior and enforce the rules of student conduct and behavior expectations fairly, consistently, and without discrimination. Any student infractions shall be reported orally and in writing to the principal as soon as possible regardless of any discipline taken by the teacher.
3. Maintain good order at all times in the classroom, in the hallways, and on the playgrounds or other common areas of the school, or while riding on school buses or other district-provided transportation (e.g., field trips, school related activities).
4. Maintain accurate attendance records and report all cases of truancy.
5. Set an appropriate example of personal conduct and avoid statements which may be demeaning or personally offensive to any student or group of students ([Board Policy 5253](#)/[Procedure 5253P](#)).
6. Meet with a parent(s)/guardian(s) within five (5) school days upon request to hear a complaint regarding the use of classroom materials and/or teaching strategies that is being employed in the classroom.

Certificated staff shall have the authority to:

1. Use such reasonable action as is necessary to protect themselves, a student, or others from physical abuse or injury.
2. Exclude a student from the teacher's classroom or instructional or activity area in accordance with [Board Policy 3300](#) and [Procedure 3300P](#).
3. Principals may impose discipline, including suspension or expulsion when appropriate and in accordance with [Board Policy 3300](#) and [Procedure 3300P](#).

PART IV.

Principal responsibilities and rights

Principal Responsibilities and Principal and Assistant Principal Authority and Rights

Policy 3333 ▼

Principal responsibilities

- A. Each principal shall be responsible for the enforcement of the prescribed district rules for student conduct and for the compliance with district and building guidelines relating to the discipline of students.
- B. Each principal may develop such building guidelines relating to student discipline as may be appropriate. Such building guidelines shall be consistent with district policies and procedures relating to student discipline.
- C. At the beginning of each school year, principals shall make available to each certificated staff member, student, and parent or guardians of students a copy of this policy (or summary thereof) together with any building guidelines.
- D. Each principal shall set an appropriate example of personal conduct and shall avoid making any statement to any student which may be demeaning or personally offensive to any student or group of students ([Board Policy 5253](#)/[Procedure 5253P](#)).
- E. The administration, board, and teachers shall be mutually cooperative in their use of prudent disciplinary measures to maintain discipline and protect the safety and wellbeing of students and employees.
- F. Principals shall distribute to students, parents and staff a publication pertaining to student rights, conduct, and discipline.
- G. Principals shall notify parents when students are suspended or expelled in accordance with [Board Policy 3300](#) and [Procedure 3300P](#).

Principal and assistant principal authority

Subject to the limitations set forth in these policies, all principals and assistant principals shall have the authority to discipline any student for any violation of rules for student conduct in accordance with [Board Policy 3300](#) and [Procedure 3300P](#). In the absence of the principal and assistant principal, the authority to suspend or expel a student may be delegated to another certificated administrator in the district by the superintendent or superintendent's designee.

Principal and assistant principal rights

The principal and assistant principal shall be promptly advised of any complaint made to any other district administrator regarding the principal's or assistant principal's discipline of students. The principal or assistant principal shall be given the opportunity to present their version of the incident and to meet with the complaining party in the event that a conference with the complaining party is arranged.

PART V.

Programs, medical / health information and other notifications

Programs

Kids in Transition (KIT): support for students without stable housing

The [KIT program](#) supports Everett Public Schools students who qualify as homeless under the federal McKinney-Vento Act and those who qualify for the [Foster Education Program](#): support for students involved in foster care.

Students who lack a fixed, regular, and adequate nighttime residence may qualify. As well as students in state, federal or tribal foster care as described by OSPI: “Foster care means twenty-four hours per day temporary, substitute care for the child placed away from the child’s parents or guardians, and for whom the Department of Children Youth and Their Families (DCYF) or a licensed or certified child placing agency has placement and care responsibility.” These students are supported through the Foster Education Program as implemented under the Every Student Succeeds Act (ESSA). To learn more visit www.everettsd.org/Page/27519. The KIT program helps eliminate barriers to students’ enrollment, academic success and extra-curricular participation. We ensure eligible students have school meals at no cost, school supplies and may coordinate tutoring or facilitate student participation in extended day or summer school classes. We often coordinate referrals to other community resource partners for non-school related assistance as well. KIT may provide transportation to maintain school stability, even when staying outside of the regular service area. For more information or to see if you or your student is eligible, please visit www.everettsd.org/kitt, contact your [building’s KIT support staff](#) or the KIT office at 425-385-4032.

Title I and Learning Assistance Program

Title I program

Title I is a federal program designed to provide children significant opportunity to receive a fair, equitable, and high-quality education to close educational achievement gaps. Title I program funding supports early learning, students experiencing homelessness, foster, and six elementary schools with the highest percentage of poverty. The program provides support to meet the specific needs of educationally at-risk children at qualifying schools. Students attending qualifying schools receive additional support to meet standards.

Learning Assistance Program (LAP)

The LAP program is state funded and provides supplemental services for students scoring below grade-level standard in English language arts (ELA) and mathematics. These services focus on accelerating student growth to make progress towards grade level. This may include academic readiness, skill development, or behavior supports. These services address barriers preventing students from accessing core instruction. The intent is for LAP students to increase academic growth during the period of time they are provided services. LAP emphasizes research-based best practices designed to increase student achievement.

For more information about the state and federal requirements for the Title I and LAP program, visit the Office of Superintendent of Public Instruction website <http://www.k12.wa.us/TitleI/default.aspx> or contact categorical programs at 425-385-4030. Information is also available on the district’s website <http://www.everettsd.org/Page/4640>.

Medical / health information

Medication at school

If a student must receive medication during school hours or when the student is under the supervision of school officials, including all athletics, the following procedures must be followed:

- ☐ Only a staff member designated by the principal, who has been delegated to and trained by an RN, and who has successfully completed medication administration training can administer medication;
- ☐ The medication to be given at school must have a completed Medication Authorization Order form, signed by the Licensed Healthcare Provider (LHCP) and the parent/guardian; and
- ☐ The medication must be in the original, properly labeled container, including any OTC medication and samples.

Everett Public Schools accepts no responsibility for adverse reactions when the medication is dispensed or administered in accordance with the LHCP order. ([Policy 3416](#)/[Procedure 3416P](#), Medication at School)

Life-threatening health conditions

Washington State law defines how children with life-threatening health conditions will be served. A life-threatening health condition means a condition “that will put the child in danger of death during the school day if a medication and treatment order, providing authority to a registered nurse, and a nursing plan are not in place.” Such conditions should include severe reactions to bee stings, food allergies, asthma, diabetes, seizure disorders or epilepsy. An individual health care plan (IHP), including an individual emergency plan element, will be prepared by a district registered nurse. A medication or treatment order from the child’s licensed health care provider is required prior to the child’s attendance at school. Without these, the child will be excluded from school in accordance with federal requirements. Contact your student’s school for more information. ([Policy 3409/Procedure 3409P](#), Students with Diabetes, Life-Threatening Allergies, Asthma and Seizures).

Required immunization documentation

Immediately upon enrollment in the district, the student’s parent or legal guardian must provide proof of the required immunizations as specified by the Washington Department of Health with a completed Certificate of Immunization Status (CIS) form approved by the Washington Department of Health (DOH), and/or an exemption with a completed Certificate of Exemption (COE) form approved by the DOH. Additionally, as of August 1, 2020, all immunization records turned in to schools are required by state law to be medically verified. This means immunization records turned in to the school must be from a healthcare provider, or you must attach paperwork from a healthcare provider to your handwritten form supporting your child’s records. The student cannot start attending school until the completed CIS and/or COE is on file at the school or the Conditional Immunization Status conditions have been met. Students experiencing homelessness, including migratory and refugee children and children in out-of-home (foster) care, who have not provided the required documentation will be allowed to enroll, attend classes, and participate fully, despite being out of compliance with immunization requirements.

Exemptions from Immunization

The district will allow for exemptions from immunization requirements only as allowed for by [RCW 28A.210.090](#) and [WAC 246-105-050](#).

Prior to kindergarten, please check for required vaccines on the Washington State Department of Health website, www.doh.wa.gov/CommunityandEnvironment/Schools/Immunization/VaccineRequirements.aspx.

For preschool entry, requirements are determined by age when the student enters school. Please check with your student’s school for the number of needed doses of Hepatitis B/DTP/HIB/Polio/PCV/MMR/Varicella ([Policy 3413/Procedure 3413P](#), Student Immunization and Life-Threatening Health Conditions).

Meningococcal and human papillomavirus diseases

In accordance with [RCW 28A.21.080](#), schools in Washington must make information available to parents/guardians of all students entering grades 6-12 on meningococcal and human papillomavirus diseases and their vaccines.

What is meningococcal disease?

Meningococcal disease is a very serious illness caused by bacteria. It can lead to brain damage, disability, and death. It usually causes two types of infections: swelling of the covering of the brain and spinal cord (meningitis) and blood infections (septicemia).

There are five types (serogroups) of meningococcal bacteria that cause most disease worldwide: A, B, C, W, and Y. Serogroups B, C, and Y cause most of the illness seen in the United States. [There are vaccines to protect against all five of these strains.](#)

What are the symptoms of meningococcal disease?

Meningitis is the most common form of meningococcal disease (50 percent of cases). Symptoms of meningitis include sudden onset of fever, headache, stiff neck, nausea, vomiting, sensitivity to light, and confusion.

Meningococcal septicemia (bloodstream infection) is the second most common type of meningococcal infection (40 percent of cases). Symptoms of septicemia include fever, fatigue, vomiting, severe aches or pain, rapid breathing, diarrhea, cold chills, and in the later stages, a dark purple rash on the legs and arms.

If a person has symptoms of meningococcal disease, they usually appear anywhere from 3 to 4 days after exposure. Some people are carriers of meningococcal bacteria, but they have no symptoms of disease. Carriers can spread the disease to other people through direct contact with saliva.

Newborns and babies may not have the classic symptoms. Instead, babies may be slow or inactive, irritable, vomiting, or feed poorly. In young children, doctors may also look at the child’s reflexes for signs of meningococcal disease, specifically meningitis.

Is meningococcal disease contagious?

Yes, meningococcal disease is contagious. It requires close or lengthy contact to spread. It’s spread to other people by respiratory droplets, saliva or spit, or direct contact, such as coughing, kissing, or sharing anything by mouth with an infected person, like straws, silverware, lip balm, or toothbrushes.

Although it is rare, people can get meningococcal disease more than once. A previous infection does not offer lifelong protection from future infections. The risk of reinfection is one of the reasons why the Centers for Disease Control and Prevention recommends that all preteens and teens get vaccinated against meningococcal disease.

What makes meningococcal disease a serious illness?

Even with antibiotic treatment, 10 to 15 in 100 people infected with meningococcal disease will die. About 11 to 19 in 100 survivors will have long-term disabilities, such as loss of limb(s), deafness, nervous system problems, or brain damage.

Who is at risk for meningococcal disease?

Anyone can get meningococcal disease, but rates of disease are highest in children younger than 1 year of age, followed by a second peak in adolescence. Among teens and young adults, those 16 through 23 years old have the highest rates of meningococcal disease. Adults age 65 years and older have higher rates of disease as well.

Some people are at greater risk for getting meningococcal disease and include those who:

- ☐ Are children less than 5 years of age, adolescents and young adults 16-21 years of age, and adults 65 and older
- ☐ Have a rare type of autoimmune disorder (complement component deficiency)
- ☐ Are taking the medicine called eculizumab (Soliris®)
- ☐ Have asplenia (a damaged spleen or their spleen has been removed), including sickle cell disease
- ☐ Have HIV
- ☐ Are traveling to or living in countries where the disease is common
- ☐ Are part of a group of people identified to be at increased risk because of a meningococcal disease outbreak
- ☐ Are a microbiologist who is routinely exposed to the meningococcal bacteria *Neisseria meningitidis*
- ☐ Are college students living in a residence hall
- ☐ Are a military recruit

Other factors that may increase risk for meningococcal disease include household crowding, smoking, and having a viral infection that occurs before meningococcal infection.

What is the best way to prevent meningococcal disease?

The best way to protect yourself against meningococcal disease is to get vaccinated before you are exposed. Two types of vaccines can protect against several kinds of meningococcal disease: meningococcal conjugate vaccine (protect against serogroups A, C, W, and Y) and meningococcal B vaccine (protect against serogroup B).

Meningococcal conjugate vaccine is a routine recommendation for all children aged 11 to 12 years, with a booster shot for teens at 16 years of age. Travelers to certain countries, and people aged 2 months and older who are at increased risk for meningococcal disease should also get the vaccine. People who are at

increased risk for meningococcal disease should get revaccinated every 5 years with meningococcal conjugate vaccine as long as they remain at increased risk.

Meningococcal B vaccine may be given at 10 years of age and older to people with certain health conditions, are at increased risk because of a meningococcal B disease outbreak, or work with meningococcal bacterial in a lab. This vaccine is given in 2 or 3 doses.

What should I do if I have been exposed to someone with meningococcal disease or get sick with meningococcal disease?

If you are exposed to someone with meningococcal disease or get sick with it, go to the emergency room for treatment as soon as possible. Then call your healthcare provider or local health department.

Many antibiotics are effective for treating meningococcal disease. It is important that treatment starts as soon as possible. Antibiotics help reduce the risk of dying, and are most effective when given immediately after symptoms begin.

Anyone who has been in close contact with someone who is sick with meningococcal disease should also seek treatment and begin antibiotics within 24 hours, even if they have been vaccinated before.

HPV Vaccine is Cancer Prevention

[Human papillomavirus \(HPV\)](#) is a very common virus that causes genital, oral, and skin infections. It is spread easily through intimate skin-to-skin contact. People of all genders can get HPV, and spread it to others without realizing they have the virus. HPV infection is most commonly acquired in the late teens and early 20s.

There are many types of HPV. Most of them are harmless and do not cause infections or symptoms. However, some types of HPV can cause cancer of the cervix, vagina, vulva, penis, anus, and back of the throat. Other types of HPV can cause genital warts. The good news is that most of these types of cancers and warts can be prevented with a vaccine against HPV infection. [Learn more about HPV, cancers caused by HPV, and the vaccine for HPV.](#)

Doctors and nurses recommend the HPV vaccine for children at age 11 to 12

[As this infographic shows, the HPV vaccine provides long-lasting protection against the most common cancers caused by HPV. \(PDF\)](#) Doctors and nurses recommend the vaccine for preteens of all genders at age 11 or 12; however, the two-dose series can be started as early as age 9. The HPV vaccine is most effective at this age because it produces the most infection-fighting cells, or antibodies, when given during the preteen years. Getting the vaccine at this age also ensures immunity is already in place before they are exposed to the virus. However, if your teen hasn't received the vaccine, it is not too late. Talk to their doctor or nurse about getting them immunized as soon as possible. The vaccine is recommended up through age 26. [The HPV vaccine also may be given to adults age 27 through age 45,](#) so if you fall in this age range, talk with your healthcare provider to see if you should get the HPV vaccine.

HPV vaccine is available at no cost to adolescents less than 19 years of age

The Washington State [Childhood Vaccine Program](#) provides all recommended vaccines at no cost for children through age 18, and they're available from healthcare providers across the state. Healthcare providers may charge an office visit fee and an administration fee for the vaccine. However, if you cannot afford the administration fee, you may ask your provider to waive it. And most health insurance plans cover the vaccine for adults who are recommended to get it.

Parents: Did you know you have the power to protect your kids from certain cancers?

Parents and guardians have an important role in protecting adolescents from HPV. Talk with your child's doctor or nurse about the HPV vaccine. [HPV vaccine is cancer prevention](#). HPV vaccines are safe and highly effective in preventing infection with the types of HPV they target when given before a person is exposed to the virus. Make an appointment today to protect your child from several cancers caused by HPV.

For more information about meningococcal and human papillomavirus diseases and how to prevent them visit:

State resources

Washington State Department of Health
www.doh.wa.gov

Office of Immunization and Child Profile
www.doh.wa.gov/AboutUs/ProgramsandServices/PreventionandCommunityHealth/OfficeofImmunizationandChildProfile

Disease and prevention
www.doh.wa.gov/YouandYourFamily/InfantsChildrenandTeens/DiseasePrevention.aspx

Federal/national resources

Centers for Disease Control and Prevention
www.cdc.gov/std/hpv/

Meningococcal vaccine information
www.cdc.gov/vaccines/hcp/vis/vis-statements/mening.html

Disease information
www.cdc.gov/meningococcal/about/index.html

Pre-teen immunizations
www.cdc.gov/vaccines/who/teens/index.html

Vaccines & Immunizations
<https://www.cdc.gov/vaccines/>

National Meningitis Association
www.nmaus.org

American Sexual Health Association
www.ashasexualhealth.org/parents/

American Cancer Society
www.cancer.org

Vision and hearing screening

Each year, hearing and vision screenings are provided for students in kindergarten and grades one, two, three, five and seven. If a concern is found during screening, parents will be notified of the screening results so that they can follow up with their health care provider. ([Policy 3411/Procedure 3411P](#), Vision and Hearing Screening)

Family rights and legal notifications

In addition to the state and federally required legal and informational notices that appear below, Everett Public Schools maintains an online collection of its policies and procedures. For more information, visit the district's website <http://docushare.everett.k12.wa.us/docushare/dsweb/View/Collection-189>. Additional legal notices are available on the district's website at <https://www.everettsd.org/Page/4643>.

Family Educational Rights and Privacy Act (FERPA) and Protection of Pupil Rights Amendment (PPRA)

PPRA gives parents rights about the district's surveys, collection and use of information for marketing purposes, and certain physical exams.

FERPA gives parents and students over 18 years old, certain rights about the student's education records. These rights are:

1. The right to inspect and review student's education records;
2. The right to request an amendment of the student's education records;
3. The right to opt-out of release of "directory information" as defined in FERPA law and [Policy 3250](#), Release of Student Directory Information; and
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures to comply with FERPA requirements.

Complete details and information are available in [Policy 3250](#), Release of Student Directory Information, and [Policy 3600/Procedure 3600P](#), Student Records.

Parents who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Ave. SW
Washington, D.C. 20202-5920
Phone: 1-800-872-5327

Everett Public Schools does not release student “directory information” for commercial purposes. A parent/guardian/adult student may deny publication of the student’s name or photo in district publications or by the news media; prevent releasing information to military recruiters or colleges; or to withhold permission of Internet access to the student for learning at school. Completion of the required FERPA information is available through the district’s online annual information update process.

Special education public information

The public may request district policies, procedures and any required evaluations, plans and reports relating to Part B Special Education Program. For more information, contact the [Special Services Department](#) at 425-385 5250. ([Policy 2210](#)/[Procedure 2210P](#), Special Education and Related Services for Eligible Students)

Child Find

[Child Find](#) is a component of the Individuals with Disabilities Education Act that requires all school districts to locate, identify, and evaluate all children with disabilities ages birth through 21, who are in need of early intervention or special education and related services To refer a student of concern, contact your neighborhood school. Phone numbers and address can be obtained from the [Everett Public School website](#) or contact Jodie Moyer at jmoyer@everettsd.org or 425-385-5777.

Public records requests

Many records and documents in the school district are available to the public. Parents and other community members may ask the school district to view or ask for copies of records defined as “public” under state and federal laws including records about discipline of school employees.

There are three ways to request records from Everett Public Schools:

- ☐ Email your completed [form](#), or provide all of the information requested in the form in the body of an email to PublicRecords@everettsd.org.
- ☐ Mail your completed [form](#), or provide all of the information requested in the form in written format to the attention of the Public Records Officer, Everett Public Schools, 3900 Broadway, Everett, WA 98201.
- ☐ Hand-deliver your completed [form](#), or provide all of the information requested in the form in written format to the attention of the Public Records Officer, Everett Public Schools, 3900 Broadway, Everett, WA 98201.

For further inquiries or assistance, please feel free to contact our Public Records Officer, Wendy Snider, at 425-385-4188.

Asbestos management

Everett Public Schools and its ongoing safety and health program includes the proper management of the maintenance and disposal of asbestos and compliance with applicable Federal and State laws and regulations.

Using qualified and certified inspectors, Everett Public Schools has identified all friable and non-friable asbestos containing building materials located in District facilities. All friable materials that present a potential health hazard have been properly removed. The district has developed a comprehensive Operation and Maintenance Program with a goal of preventing fiber release episodes and the requirements for necessary notifications should an event occur. Each district building maintains an inventory of asbestos containing building materials for that building. The inventory is available for public inspection and can be obtained by checking with the building office. Questions may be directed to the Everett Public Schools [Maintenance & Operations Department](#), at 425-385-5200.

Integrated pest management

Everett Public Schools intends to comply with all Federal, State and Local regulations pertaining to the management of vegetation and/or pests. Through the integrated Pest Management Program, Everett Public Schools promotes a prudent approach in dealing with environmental concerns and the establishment of levels at which action is taken. The program does not rule out the use of pesticides, but requires their use to be thoughtfully considered. Comments, questions and input are welcome and may be directed to the [Maintenance & Operations Department](#), at 425-385-5200.

School delay and closure information

When school is canceled or starts late, what are the impacts on school programs?

A decision to close or delay school is usually made by 5:00 a.m. In the interest of student and community safety, schools are either closed for an entire day, or start 2 hours later than normal. Those schedule changes can have unique impacts on some school programs or school activities. The chart below helps explain what will happen to those programs or how parents can get more information about programs on days when school is canceled or delayed. During inclement weather, parents and staff should check the [district website](#), social media, and/or media news reports.

If there is no announcement about school schedules, schools will be in session and start on time.

PROGRAMS IMPACTED BY SCHEDULE CHANGES	WHEN SCHOOL IS CANCELED FOR A DAY ▼	WHEN SCHOOL STARTS 2 HOURS LATE ▼	MORE INFORMATION AVAILABLE ▼
School bus schedules	School buses do not pick up students	School buses pick up students 2 hours later than usual in the AM. No out-of-district transportation provided.	On district website, social media, TV and radio broadcasts
School ending time	No school all day	Students are dismissed at the regular time	On district website, social media, TV and radio broadcasts
Breakfast program	No breakfast served	Breakfast served when students arrive	
Lunch program	No lunch served	Lunch served at the regular time	
AM ECEAP or AM Preschool	No school for any students	These AM programs are canceled	
PM ECEAP or PM Preschool	No school for any students	These PM programs start at the regular times	
All day kindergarten	No school for any students	All day kindergarten starts 2 hours later than the usual time	
Headstart	No program	No program	
School-related after school events and athletics (in-district and out-of-district)	Events and activities canceled unless participants notified otherwise. High school varsity practices may be held but attendance is optional.	Events and activities continue as usual unless participants notified otherwise.	Schools will attempt to notify participants of any changes by 1:00 p.m.
YMCA childcare	No childcare available. YMCA phone lines will have voicemail message with up-to-date information. YMCA will email, text to families.	If the school district delays school start times, the YMCA will delay opening under the same time guidelines (For example: School start 2 hours late, Y programs open 2 hours late). YMCA phone lines will have voicemail message with up-to-date information for parents. YMCA staff send notifications for Y program late starts and cancellations via email and mass text (YMCA App). Delayed district bus transportation will be provided 2 hours from the regularly scheduled time.	All child care programs are operated through arrangements with YMCA. Contact YMCA for program information during school cancellation or late start days.
Community (non-school related) activities held in schools	Canceled	These activities will be held as scheduled unless canceled later in the day.	Contact community group organizer for information on community activities during school cancellation or late start days.



Everett Public Schools

3900 Broadway, Everett, WA 98201
425-385-4000 • www.everettsd.org