District Information

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:

Welcome to Everett Public Schools

Everett Public Schools is located in one of the fastest growing counties in Washington State. The goal of our school district is “to ensure each student learns to high standards.” You are joining a staff of highly dedicated people who are committed to student achievement.

This handbook is designed to help you understand employee benefits that are available to you. While some policies, procedures and benefits are identified in this handbook, it is important to understand that this handbook is not meant to be inclusive of all information. You may refer to the district website which has extensive information that may answer your questions. The human resources staff will make every effort to provide you with any additional information you may need.
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:

**Title IX/Civil Rights Compliance Officer**
Mary O’Brien
PO Box 2098, Everett WA 98213
425-385-4106
MO’brien@everettsd.org

**Section 504 Coordinator**
Becky Ballbach
PO Box 2098, Everett WA 98213
425-385-4063
RBallbach@everettsd.org

**ADA Coordinator**
Randi Seaberg
PO Box 2098, Everett WA 98213
425-385-4104
RSeaberg@everettsd.org
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Strategic Plan
Everett Public Schools has been guided by a long history of having a strategic plan that serves as a framework to provide long-term direction in the district. Annually, the Board of Directors reviews the district’s progress in implementing the objectives and their accompanying strategies.

Mission
Inspire, educate, and prepare each student to achieve to high standards, contribute to our community, and thrive in a global society.

Vision
Our students will lead and shape the future.

They will be well-rounded, healthy, and flexible thinkers with a global perspective who can access resources and collaborate. They will demonstrate empathy, pride, and advocacy for self, school, and community while respecting the diversity and worth of others. They will acquire the knowledge, attitudes and skills to adapt to the emerging needs of a changing world.

Core Values
Our core values drive our actions and behavior.

<table>
<thead>
<tr>
<th>Value</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Learning</td>
<td>We believe each student has the ability to learn and achieve to high standards.</td>
</tr>
<tr>
<td>Equity</td>
<td>We honor and support each student’s right to learn and achieve.</td>
</tr>
<tr>
<td>Integrity</td>
<td>We act in good faith, serving others with honesty and dignity. We serve as</td>
</tr>
<tr>
<td></td>
<td>stewards of the public trust.</td>
</tr>
<tr>
<td>Passion</td>
<td>We are passionate about teaching and learning.</td>
</tr>
<tr>
<td>Respect</td>
<td>We value differences among people and treat one another with respect.</td>
</tr>
<tr>
<td>Diversity</td>
<td>We embrace diversity as an essential asset; we are inclusive and treat our</td>
</tr>
<tr>
<td></td>
<td>differences as a core strength.</td>
</tr>
<tr>
<td>Collaboration</td>
<td>We believe in learning and working together, the value of diverse views, and</td>
</tr>
<tr>
<td></td>
<td>the power of collective wisdom.</td>
</tr>
</tbody>
</table>
Strategic Plan Priorities

Teaching and Learning
Align curriculum, instruction, and assessment to educate, inspire and prepare each student to graduate, to contribute to our community, and thrive in a global society.

Inspiration, Innovation, and Information
Foster innovation to serve current and future needs of diverse learners; support innovative approaches to develop, identify, and use information and technology.

People, Structure, and Systems
Develop people, structures, and systems to support student learning in a culture of mutual respect and intellectual engagement.

Resource Management
Generate, align, and coordinate all available resources to serve the best interests of the students. Develop flexibility and adaptability to achieve our mission in a changing economic environment.

Strategic Relationships
Develop intentional partnerships and strategic relationships to support student learning.
Calendars and Collective Bargaining Agreements
Click the links below to access the student calendar, employee work calendars and collective bargaining agreements.

Student Calendar
Employee Work Calendars
Collective Bargaining Agreements

Policies and Procedures
Below are district policies and procedures that directly relate to you as an employee of Everett Public Schools. Please click the link provided below to review this important information.

Policy 3205/Procedure 3205P Harassment
Policy 3213/Procedure 3213P Transgender Students
Policy 5010/Procedure 5010P Affirmative Action and Nondiscrimination
Policy 5140 Tobacco or Tobacco-Like Product Use Policy
Policy 5150 Drug-Free Workplace
Policy 5160/Procedure 5160P Sexual Harassment
Policy 5161 Civility in the Workplace
Policy 5215 Conflicts of Interest
Policy 5225/Procedure 5225P Technology
Policy 5253/Procedure 5253P Maintaining Professional Boundaries between Employees and Students
Policy 5320/Procedure 5320P Leaves of Absence
Policy 5320.9/Procedure 5320.9P Family and Medical Leave
Policy 5406/Procedure 5406P Shared Leave Program
STUDENTS

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

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

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

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

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

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

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

The district Title IX Officer should inform the complainant that honoring the request may limit its ability to respond fully to the incident, including pursuing disciplinary action against the alleged aggressor.
If the complainant still requests their name not be disclosed to the alleged aggressor or that the district not investigate or seek action against the alleged aggressor, the district will need to determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students, staff and other third parties engaging in district activities, including the person who reported the sexual harassment. Although a complainant’s request to have their name withheld may limit the district’s ability to respond fully to an individual allegation of sexual harassment, the district will use other appropriate means available to address the sexual harassment.

**Retaliation**

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

**Informal Complaint Process**

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

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

- An opportunity for the complainant to explain to the alleged harasser that the conduct is unwelcome, offensive or inappropriate, either in writing or face-to-face;
- A statement from a staff member to the alleged harasser that the alleged conduct is not appropriate and could lead to discipline if proven or repeated;
- A general public statement from an administrator in a building reviewing the district sexual harassment policy without identifying the complainant;
- Developing a safety plan;
- Separating students; or
- Providing staff and/or student training.
Informal complaints may become formal complaints at the request of the complainant, parent/guardian, or because the district believes the complaint needs to be more thoroughly investigated.

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

**Formal Complaint Process**

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

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

Mary O’Brien
Everett School District No. 2
3900 Broadway
P.O. Box 2098
Everett, WA 98201
mobrien@everettsd.org
Phone: (425) 385-4106

The Assistant Superintendent of Human Resources, Equity and Access is:

Debra Kovacs
Everett School District No. 2
3900 Broadway
P.O. Box 2098
Everett, WA 98201
dkovacs@everettsd.org
Phone: (425) 385-4100

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

B. The allegations of sexual harassment shall:

1. be written;
2. be signed by the complainant;
3. describe the specific acts, conditions, or circumstances alleged to violate the district’s policies or obligations with regard to discrimination; and
4. be filed with the compliance officer or assistant superintendent of human resources within one (1) year after the occurrence that is the subject of the complaint, unless the delay is due to specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint or the district withheld information that was required to be provided under WAC 392-190 or related guidelines.

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

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

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

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

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

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

G. A complainant may appeal the superintendent or designee’s decision to a hearing officer designated by the district to hear the appeal by filing a written notice of appeal with the superintendent on or before the tenth (10th) calendar day from the date the complainant received the superintendent or designee’s response. The hearing officer shall not have been involved in the initial complaint or investigation.
H. Upon receipt of an appeal, the hearing officer shall provide a written appeal decision to the complainant in a timely manner, not to exceed thirty (30) calendar days from the date the district received the appeal, unless otherwise agreed to by the complainant. The appeal decision will include notice of the complainant’s right to file a complaint with the superintendent of public instruction under WAC 392-190-075. The decision of the hearing officer will be provided in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency in accordance with Title VI. The decision of the hearing officer will include notice of the complainant’s right to file a complaint with the Office of the Superintendent of Public Instruction. The district will send a copy of the appeal decision to the Office of the Superintendent of Public Instruction.

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

**Mediation of Complaints**

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

1. Must be voluntary;
2. Requires the agreement of the district and the complainant;
3. May be terminated by either party during the mediation process;
4. Cannot be used to deny or delay a complainant’s right to utilize the complaint procedure; and
5. Be conducted by a qualified and impartial mediator, who is not an employee of the district or providing services to a student who is the subject of the mediation.

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

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

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

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

**Training and Orientation**

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

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

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

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

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

**Reports to the Board**

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

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

Cross reference: Board Policy 3205 Sexual Harassment of Students
STUDENTS

Transgender Students

In order to foster an educational environment that is safe and free of discrimination for all students, regardless of sex, sexual orientation, gender identity or gender expression, the board recognizes the importance of an inclusive approach toward transgender students in order to provide these students with an equal educational opportunity. This policy and its procedure will support that effort by facilitating district compliance with local, state and federal laws concerning transgender students.

Cross References:

- Board Policy 2145  Suicide Prevention
- Board Policy 3204  Prohibition of Harassment, Intimidation and Bullying
- Board Policy 3205  Harassment
- Board Policy 3210  Nondiscrimination
- Procedure 3213P  Transgender Students
- Board Policy 3600  Student Records

Legal References:

- RCW 28A.642  Discrimination Prohibition
- 20 U.S.C. 1232g, 34 C.F.R., Part 99 Family Education Rights and Privacy Act

Adopted:  June 7, 2016
Updated:  February 2018
STUDENTS

Transgender Students

The principal or designee is encouraged to request a meeting with a transgender student and his or her parent/guardian upon the student's enrollment in the district or in response to a currently enrolled student's change of gender expression or identity. The goals of the meeting are to:

- Develop understanding of that student's individual needs with respect to his or her gender expression or identity; 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 his or her 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 and Procedure 3213, and state and federal law regarding gender expression or identity.

Definitions/Terms

- Gender Expression is how a person expresses his or her gender, often through behavior, emotional expression, mannerisms, dress, grooming, interests, and activities.
- Gender Identity refers to one's deeply felt internal sense of being female, or male, or both, or neither, regardless of the gender assigned at birth.
- Gender Nonconforming describes a person whose gender expression differs from stereotypical expectations about how the person should look or act based on the gender assigned at birth. This term includes people who identify outside traditional gender categories or identify as both genders, or as gender neutral.
- Biological Sex/Sex refers to a person’s internal and external anatomy, chromosomes, and hormones.
- Transgender is a general term often used to describe a person whose gender identity and/or expression is different from that traditionally associated with the person's gender assigned at birth.
- Transitioning refers to the process in which a person goes from living and identifying as one gender to living and identifying as another.

Official Records

The district is required to maintain a permanent student record which includes the student’s legal name and the student's gender. 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 a student over the age of eighteen (18) has exercised a common-law name change and has changed his or her name for all intents and purposes and that the change has not been made for fraudulent reasons.

When a former student asks for his or her 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.

To the extent that the district is not legally required to use a student's legal name and biological sex on school records or documents, the district should use the name and gender by which the student identifies. In situations where school employees are required by law to use or report a student's legal name or gender, such as for standardized testing, school staff should adopt practices to avoid the inadvertent disclosure of the student’s transgender or gender nonconforming status. More information is available online at Washington Law Help and Northwest Justice Project.

Confidential Health or Educational Information

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

Communication and Use of Names and Pronouns

An appropriate school employee will privately ask known transgender or gender nonconforming 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. 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 his or her 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 his or her gender identity.
When communicating with transgender or gender nonconforming 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. When communicating with parents/guardians of transgender or gender nonconforming students, school employees will refrain from the use of gender pronouns and refer to the student by name whenever practicable. The district will not condone the intentional and persistent refusal to respect a student’s gender identity, or inappropriate release of information regarding a student’s transgender status.

**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 his or her gender identity.

**Locker Room Accessibility**

Use of locker rooms by transgender or gender nonconforming students will be assessed on a case-by-case basis, with the goal of maximizing transgender or gender nonconforming 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. 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 increased 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).

Any alternative arrangement will be provided in a manner that allows the student to keep his or her transgender or gender nonconforming status private. No student, however, will be required to use a locker room that conflicts with his or her gender identity.

**Sports and Physical Education Classes**

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

A student may seek review of his or her eligibility for participation in interscholastic athletics by the procedure set forth in the Washington Interscholastic Activities Association (WIAA) handbook.

**Dress Codes**

The district will allow students to dress according to the gender with which they consistently identify, within the constraints of the dress codes adopted at his or her 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).
Other School Activities

In any school activity involving separation by gender (i.e., class discussions, 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

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 cyber-bullying; and
- District and staff responsibilities under applicable laws and district policies regarding harassment, discrimination, and gender identity and expression issues.

Discrimination and Harassment Complaints

Discrimination and harassment on the basis of sex, sexual orientation, or gender identity or expression are prohibited. It is the responsibility of each school, the district and all staff to ensure that all students, including transgender and gender nonconforming 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 district’s Civil Rights Compliance 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/or harassment complaints. This includes investigating the incident and taking age and developmentally-appropriate corrective action. Complaints of discrimination based on gender identity or expression will follow the complaint process outlined in the district’s Nondiscrimination Procedure 3210P.

Cross Reference:  Board Policy 3213  Transgender Students

Adopted:  June 2016
Revised:  October 2016
HUMAN RESOURCES

Affirmative Action and Nondiscrimination

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

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

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

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

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

Cross References:  
Board Policy 2030  Service Animals in Schools  
Board Policy 2152  Nondiscrimination on the Basis of Sex in Education Programs and Activities and Title IX  
Board Policy 3205  Harassment  
Procedure 5010P  Affirmative Action and Nondiscrimination  
Board Policy 5161  Civility in the Workplace  
Board Policy 5320.6  Military Leave

Legal References:  
RCW 28A.400.310  Law against discrimination applicable to districts' employment practices  
RCW 28A.640.020  Regulations, guidelines to eliminate discrimination—Scope—Sexual harassment policies  
Chapter 28A.642 RCW  Discrimination prohibition  
Chapter 49.60 RCW  Discrimination—Human rights commission
RCW 49.60.030  Freedom from discrimination—Declaration of civil rights
RCW 49.60.180  Unfair practices of employers
RCW 49.60.400  Discrimination, preferential treatment prohibited
Chapter 73.16 RCW  Employment and reemployment
WAC 162-22-025  Unfair practice
Chapter 392-190 WAC  Equal educational opportunity—Unlawful
discrimination prohibited
WAC 392-190-0592 Public school employment—Affirmative action
program
WAC 392-190-060  Compliance—School district or public charter school—
Designation of responsible employee—Notification
WAC 392-190-065  Compliance—Complaint procedure—School district or
public charter school
WAC 392-190-070  Compliance—Appeal procedure—School district or
public charter school
WAC 392-190-075  Compliance—Complaint procedure—Office of
superintendent of public instruction
WAC 392-190-076 Monitoring—Duty of the superintendent of public
instruction
WAC 392-190-077 Monitoring procedures—Results
WAC 392-190-079 Monitoring—Appeal procedure
WAC 392-190-080 Violations—Permissible sanctions
WAC 392-190-081 Concurrent claims and remedies
WAC 392-190-082 Informing citizens about complaint procedures
8 USC 1324  Immigration Reform and Control Act of 1986 (IRCA)
20 USC 1681-1688 Title IX Educational Amendments of 1972
29 USC 794  Vocational Rehabilitation Act of 1973
34 CFR 104  Nondiscrimination on the basis of handicap in programs
or activities receiving federal financial assistance
38 USC 4212 Vietnam Era Veterans Readjustment Act of 1974
(VEVRAA)
38 USC 4301-4333 Uniformed Services Employment and Reemployment
Rights Act
42 USC 2000e1-2000e10 Title VII of the Civil Rights Act of 1964
42 USC 12101-12213 Americans with Disabilities Act

Adopted:  April 22, 1991  Updated:  December 2012
Revised: November 21, 1994  Revised:  April 16, 2013
Updated:  August 2000  Updated:  August 2013
Updated:  May 2001  Updated:  February 2014
Revised: October 9, 2001  Revised:  May 24, 2016
Revised:  March 19, 2002  Revised:  June 7, 2016
Revised: December 10, 2002  Updated:  March 2017
Revised: June 28, 2011  Updated:  June 2017
Updated:  February 2012  Updated:  February 2018
**HUMAN RESOURCES**

**Affirmative Action and Nondiscrimination**

**Affirmative Action**

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

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

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

**Nondiscrimination**

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

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

**Informal Complaints**

With regard to ADA matters, a distinction is to be made between a request for accommodation and a complaint. A request for accommodation should be submitted to the assistant superintendent of human resources. The parties should cooperate to resolve any issues of accommodation through an interactive process prior to the filing of a formal complaint. A complaint is to be filed only in the event there is a complaint of noncompliance after a request for accommodation has been made.
At the employee’s option, attempts will be made to resolve complaints of discrimination informally, expeditiously and at the closest point of administrative responsibility to the alleged offense. Informal complaints of discrimination of an employee may be reported to his/her supervisor, the affirmative action officer, or the assistant superintendent of human resources. The supervisor will be responsible for investigation and resolution of informal complaints. The supervisor may seek assistance or guidance from the district's affirmative action officer or assistant superintendent of human resources. The supervisor must notify the complainant of his/her right to file a formal complaint under this policy and procedure. The notice shall be provided in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency, in accordance with Title VI of the Civil Rights Act of 1964.

**Formal Complaints**

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

The assistant superintendent of human resources is:
Debra Kovacs
Everett School District No. 2
3900 Broadway
P.O. Box 2098
Everett, WA 98201
dkovacs@everettsd.org
Phone: (425) 385-4100

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

B. The allegations of discrimination shall:
   1. Be written;
   2. Be signed by the complainant;
   3. Describe the specific acts, conditions, or circumstances alleged to violate the district’s policies or obligations with regard to sexual harassment; and
   4. Be filed with the assistant superintendent of human resources within one (1) year after the occurrence that is the subject of the complaint, unless the delay is due to specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint or the district withheld information that was required to be provided under [WAC 392-190](#) or related guidelines.
C. Upon receipt of the complaint, the district’s assistant superintendent of human resources or designee will provide the complainant a copy of Procedure 5010P in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency, in accordance with Title VI. The district will promptly and thoroughly investigate the complaint. Following completion of the investigation, the assistant superintendent of human resources shall provide the superintendent or designee with a full written report of the complaint and the results of the investigation, unless the matter is resolved to the satisfaction of the complainant without an investigation or prior to the submission of a written report.

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

E. The response by the superintendent or designee will include:
   1. A summary of the results of the investigation;
   2. Whether the district failed to comply with WAC 392-190 or related guidelines;
   3. If the district failed to comply with WAC 392-190 or related guidelines, the corrective measures deemed necessary to correct the noncompliance; and
   4. Notice of the complainant’s right to appeal under WAC 392-190-070, including where and with whom the appeal should be filed.

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

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

G. A complainant may appeal the superintendent or designee’s decision to a hearing officer designated by the district to hear the appeal by filing a written notice of appeal with the superintendent on or before the tenth (10th) calendar day from the date the complainant received the superintendent or designee’s response. The hearing officer shall not have been involved in the initial complaint or investigation.
H. Upon receipt of an appeal, the hearing officer shall provide a written appeal decision to the complainant in a timely manner, not to exceed thirty (30) calendar days from the date the district received the appeal, unless otherwise agreed to by the complainant. The appeal decision will include notice of the complainant’s right to file a complaint with the superintendent of public instruction under WAC 392-190-075. The appeal decision will be provided in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency in accordance with Title VI. The decision of the hearing officer will include notice of the complainant’s right to file a complaint with the Office of the Superintendent of Public Instruction. The district will send a copy of the appeal decision to the Office of the Superintendent of Public Instruction.

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

**Mediation of Complaints**

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

1. Must be voluntary;

2. Requires the agreement of the district and the complainant;

3. May be terminated by either party during the mediation process;

4. Cannot be used to deny or delay a complainant’s right to utilize the complaint procedure; and

5. Be conducted by a qualified and impartial mediator, who is not an employee of the district and who has no personal or professional conflict of interest.

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

1. Sets forth the resolution;

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

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

C. The complainant and district may agree to extend the complaint timelines to pursue mediation.
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/Compliance officer following the State of Washington’s School Districts Records Retention Schedule.

Cross Reference: Board Policy 5010 Nondiscrimination and Affirmative Action
HUMAN RESOURCES

Sexual Harassment

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

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

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

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

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

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

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

Informal complaints of sexual harassment by employees or volunteers shall be reported to the employee's or volunteer's supervisor, the Affirmative Action officer, or the assistant superintendent of human resources. The administrator receiving the complaint will be responsible for coordinating the investigation of such complaint with the district's Affirmative Action officer or assistant superintendent of human resources. Formal complaints of sexual harassment shall be processed in accordance with the complaint procedures set forth in Procedure 5160P.
Annually in conjunction with the report to the board of directors on the Affirmative Action Plan, the Affirmative Action officer will review the use and efficacy of the sexual harassment policy and procedures.

Cross References:
- **Board Policy 2152** Nondiscrimination on the Basis of Sex in Education Programs and Activities and Title IX
- **Board Policy 3205** Harassment
- **Procedure 5160P** Sexual Harassment
- **Board Policy 5161** Civility in the Workplace

Legal References:
- **RCW 28A.640** Sexual equality
- **29 CFR 1604.11** Sexual Harassment
- **WAC 392-190** Equal educational opportunity—Unlawful discrimination prohibited
- **WAC 392-190-056** Sexual harassment—Definitions
- **WAC 392-190-057** Sexual harassment policy—Required criteria
- **WAC 392-190-058** Sexual harassment policy—Notification

Adopted: October 15, 1990
Revised: March 18, 1991
Revised: November 21, 1994
Revised: February 27, 2001
Revised: May 27, 2008
Updated: February 2012
Updated: December 2012
Revised: May 24, 2016
Updated: March 2017
Updated: February 2018
Updated: July 2018
HUMAN RESOURCES

Sexual Harassment

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

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

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

The Assistant Superintendent of Human Resources is:
Debra Kovacs
Everett School District No. 2
3900 Broadway
P.O. Box 2098
Everett, WA 98201
dkovacs@everettsd.org
Phone: (425) 385-4100

The assistant superintendent of human resources or designee will receive and investigate formal complaints. School or district administrators who receive a formal complaint of discriminatory harassment will promptly notify the assistant superintendent of human resources or designee and forward a copy of the complaint.
B. The allegations of discriminatory harassment shall:
1. Be written;
2. Be signed by the complainant;
3. Describe the specific acts, conditions, or circumstances alleged to violate the district’s policies or obligations with regard to sexual harassment; and
4. Be filed with the assistant superintendent of human resources or designee within one (1) year after the occurrence that is the subject of the complaint, unless the delay is due to specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint or the district withheld information that was required to be provided under WAC 392-190 or related guidelines.

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

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

E. The response by the superintendent or designee will include:
1. A summary of the results of the investigation;
2. Whether the district failed to comply with WAC 392-190 or related guidelines;
3. If the district failed to comply with WAC 392-190 or related guidelines, the corrective measures deemed necessary to correct the noncompliance; and
4. Notice of the complainant’s right to appeal under WAC 392-190-005, including where and with whom the appeal should be filed.

The district’s response to the complaint will be provided in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency in accordance with Title VI.
F. Corrective measures necessary to correct any noncompliance shall be instituted as expeditiously as possible, but no later than thirty (30) calendar days after the district’s written response to the complainant, unless otherwise agreed to by the complainant.

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

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

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

Mediation of Complaints
A. The district may offer mediation, at its expense, to resolve a complaint at any time during the complaint procedure. Mediation:
   1. Must be voluntary;
   2. Requires the agreement of the district and the complainant;
   3. May be terminated by either party during the mediation process;
   4. Cannot be used to deny or delay a complainant’s right to utilize the complaint procedure; and
   5. Be conducted by a qualified and impartial mediator, who is not an employee of the district and who has no personal or professional conflict of interest.

B. If the parties resolve the complaint through mediation, the parties may execute a legally binding agreement that:
   1. Sets forth the resolution;
   2. States that all discussions that occurred during the mediation process will remain confidential and not be used as evidence in any future complaint, due process hearing, or civil proceeding; and
   3. Is signed by both the complainant and a district representative.
C. The complainant and district may agree to extend the complaint timelines to pursue mediation.

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

Cross Reference:  
Board Policy 5160  
Sexual Harassment

Adopted: October 15, 1990
Revised: March 18, 1991
Revised: November 21, 1994
Revised: February 2001
Updated: May 2001
Updated: February 2012
Revised: December 2012
Revised: February 2014
Revised: May 2016
Updated: March 2017
Update: July 2018
HUMAN RESOURCES

Maintaining Professional Staff/Student Boundaries

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

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

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

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

District staff will not intrude on a student’s physical and emotional boundaries unless the intrusion is necessary to serve a demonstrated educational purpose. An educational purpose is one that relates to the staff member’s duties in the district. Inappropriate boundary invasions can take various forms. Any type of sexual conduct with a student is an inappropriate boundary invasion.

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

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

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

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

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.

Cross references:  
- Board Policy 3204: Prohibition of Harassment, Intimidation and Bullying  
- Board Policy 3205: Sexual Harassment of Students  
- Board Policy 3210: Nondiscrimination  
- Board Policy 3421: Child Abuse, Neglect and Exploitation  
- Board Policy 5215: Conflicts of Interest  
- Board Policy 5225: Technology  
- Procedure 5253P: Maintaining Professional Staff/Student Boundaries  
- Board Policy 5270: Disciplinary Action and Discharge

Legal references:  
- Chapter 9A.44 RCW: Sex offenses  
- Chapter 9A.88 RCW: Indecent exposure—Prostitution  
- RCW 28A.400.320: Crimes against children—Mandatory termination of classified employees—Appeal—Recovery of salary or compensation by district  
- RCW 28A.405.470: Crimes against children—Mandatory termination of certificated employees—Appeal—Recovery of salary or compensation by district  
- RCW 28A.405.475: Termination of certificated employee based on guilty plea or conviction of certain felonies—Notice to superintendent of public instruction—Record of notices
RCW 28A.410.090  Revocation or suspension of certificate or permit to teach—
Reprimand—Criminal basis—Complaints—Investigation—Process

RCW 28A.410.095  Violation or noncompliance—
Investigatory powers of superintendent of public instruction—
Requirements for investigation of alleged sexual misconduct towards a child—Court orders—Contempt—Written findings required

RCW 28A.410.100  Revocation of authority to teach—Hearings

Chapter 28A.640 RCW  Sexual Equality
Chapter 28A.642 RCW  Discrimination Prohibition
Chapter 49.60 RCW  Discrimination—Human Rights Commission

WAC 181-87  Professional certification—Acts of unprofessional conduct

WAC 181-88  Definitions of sexual misconduct, verbal abuse and physical abuse—Mandatory disclosure—Prohibited agreements

Title IX of the Education Amendments of 1972
HUMAN RESOURCES

Maintaining Professional Staff/Student Boundaries

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

Reporting Violations

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

Staff members should:

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

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

Boundary Invasion

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

A. Any type of inappropriate physical or sexual conduct with a student or any other conduct that violates the board’s policies regarding student welfare, the educational environment, or conduct toward current or former students. Inappropriate physical conduct includes hugging, kissing, or being “overly touchy” with students without any legitimate educational or professional purpose;
B. Showing intimate or unduly revealing photos to a student or asking a student to provide intimate or unduly revealing photos, taking inappropriate photographs of a student, or taking an inordinate number of photographs of a student;
C. Any kind of flirtatious or sexual communications with a student;
D. Singling out a particular student or students for personal attention and friendship beyond the professional staff/student relationship. This includes, but is not limited to, favoring one or more students with special privileges, allowing them to remain in the classroom during non-class times, unilaterally removing a student from another class or activity, or engaging in “peer like” behavior with one or more students;
E. Providing alcohol, drugs, or tobacco to students or failing to report their use of these substances;

F. For non-guidance/counseling staff, allowing or encouraging students to confide their personal or family problems and/or relationships. If a student initiates such discussions, staff members shall refer the student to appropriate guidance/counseling staff. In either case, staff involvement should be limited to a direct connection to the student’s school performance;

G. Sending students on personal errands unrelated to any educational purpose;

H. Banter, allusions, jokes, or innuendos of a sexual nature with students;

I. Commenting on a student’s appearance in a flirtatious or sexual nature, or if the comments have no educational value;

J. Disclosing personal, sexual, family, or employment concerns or other private matters to one or more students;

K. Addressing students or permitting students to address staff members or volunteers with personalized terms of endearment, pet names, or otherwise in an overly familiar manner;

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, they shall include a parent/guardian and a school administrator on the communication. If staff members receive communication from a student, the staff member shall reply by including the student’s parent/guardian, unless doing so would jeopardize the safety, health or welfare of the student, and an administrator. Staff members should use school email addresses and phone numbers and the parents’/guardians’ phone numbers for communications with students, 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 coordinator, and general counsel. The Title IX coordinator 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
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.

Cross reference: Board Policy 5253
Maintaining Professional Staff/Student Boundaries

Adopted: December 2010
Updated: February 2012
Updated: June 2014
Updated: March 2017
Revised: June 2019
Mandated Training Requirements
For the purpose of efficiency and consistency, Everett Public Schools has implemented the SafeSchools online delivery system for the following trainings:

- Back Injury and Lifting
- Bloodborne Pathogen Exposure Prevention
- What Every Employee Must Be Told
- Bullying: Recognition and Response
- Health Emergencies: Overview
- McKinney-Vento Homeless Act
- Boundary Invasion

These trainings are a condition of employment and can be completed during your contracted work day or from home. If you have questions regarding these mandated trainings and/or the SafeSchools system, please contact Ingrid Stafford at 425-385-4114 or email istafford@everettsd.org; or Nattawan Wood at 425-385-4127 or email nwood@everettsd.org. All SafeSchools training is required to be completed no later than October 31 of each school year.

*Click on the SafeSchools logo above to complete required trainings.*
Maintaining Professional Boundaries between Employees and Students

The board of directors expects all employees to maintain the highest professional, moral and ethical standards in interactions with students. All staff members are required to maintain an atmosphere conducive to learning through consistently and fairly applied discipline and established and maintained professional boundaries.

The interactions and relationships between employees and students should be based upon mutual respect and trust, an understanding of the appropriate boundaries between adults and students in and outside of the educational setting, an understanding of child development, and consistency with the educational mission of the schools.

Employees are expected to exercise common sense and good judgment in their interactions with students. Employees will not intrude on a student's physical or emotional boundaries unless necessary to serve an educational or physical, mental and/or emotional health purpose. An educational purpose is one that relates to the employee's duties in the district. Additionally, when interacting with students, employees are expected to be aware of and sensitive to the appearance of impropriety in their own conduct and the conduct of other employees and volunteers. Employees will report issues to their building administrator or supervisor or human resources whenever they suspect or are unsure whether 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 he or she has reasonable cause to believe that the 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 of directors supports the use of technology to communicate for educational purposes. However, employees are prohibited from online socializing with students or use of technology with students that violates the law, district policies or procedures, or other generally recognized professional standards. Employees whose conduct violates this policy may face discipline and/or termination.

Reference: Board Policy 5253 and Procedure 5253P

Duty to Report Physical Abuse and Sexual Misconduct

RCW 28A.26.030 requires both certificated AND classified employees who have knowledge or reasonable cause to believe a student is a victim of physical abuse or sexual misconduct by another school employee to report the abuse or misconduct or shall cause a report to be made to the school administrator. The administrator is then required to report the abuse to the proper law enforcement agency in accordance with the mandatory reporting requirements if the administrator has reasonable cause to believe the abuse or misconduct occurred. A school district must, at the first opportunity, but in all cases within 48 hours of receiving a report of sexual misconduct by a school employee, notify the parents of a student alleged to be the victim, target, or recipient of the misconduct.

It should be noted that this does not change the previous requirement of school professionals to report to the proper law enforcement agency or the Department of Social and Health Services (CPS) if the professional has reasonable cause to believe that a child has suffered abuse or neglect. Reference: Board Policy 3421/Procedure 3421P
State of Washington Code of Professional Conduct
Education Practitioners * Teachers * Educational Staff Associates * Administrators

Chapter 181-87 WAC PROFESSIONAL CERTIFICATION—ACTS OF UNPROFESSIONAL CONDUCT

WAC Sections
181-87-003 Authority.
181-87-005 Purpose.
181-87-010 Public policy goals of chapter.
181-87-015 Accountability for acts of unprofessional conduct.

ADMINISTRATIVE PROVISIONS
181-87-020 Applicability of chapter to private conduct.
181-87-025 Exclusivity of chapter.
181-87-030 Prospective application of chapter and amendments.
181-87-035 Education practitioner—Definition.
181-87-040 Student—Definition.
181-87-045 Colleague—Definition.

ACTS OF UNPROFESSIONAL CONDUCT
181-87-050 Misrepresentation or falsification in the course of professional practice.
181-87-055 Alcohol or controlled substance abuse.
181-87-060 Disregard or abandonment of generally recognized professional standards.
181-87-065 Abandonment of contract for professional services.
181-87-070 Unauthorized professional practice.
181-87-080 Sexual misconduct with students.
181-87-085 Furnishing alcohol or controlled substance to students.
181-87-090 Improper remunerative conduct.
181-87-093 Failure to assure the transfer of student record information or student records.
181-87-095 Failure to file a complaint.

The code of professional conduct is codified by the Washington State Legislature in WACs and RCWs. Use this link for the complete rules and regulations.

Complaints or request for additional information may be addressed to:

Office of Professional Practices
Superintendent of Public Instruction
Old Capitol Building, Po Box 47200
Olympia, WA 98504-7200

WAC 392-190 Equal Educational Opportunity—Unlawful Discrimination Prohibited
Recommendations Regarding Touching Students

Everett Public Schools’ goal is to protect the health, safety and general welfare of each student and employee.

Touching children in the school setting has positive educational aspects. However, touching children carries a risk that the educator may be accused of improper touching. Thus, an educator must exercise conscious judgement in determining whether to touch students and under what circumstances.

To exercise good judgement regarding touching, the educator must consider several factors:

1. **Age of the child**
   a. *Kindergarten - second grade:* It is virtually impossible to avoid touching students of this age in a classroom. However, as students grown older, the acceptability of touching and hugging decreases.
   b. *Middle grades:* Female children are extremely conscious of their sexuality from grades four through nine. Numerous accusations of improper touching in the schools occur in this age group. Females of this age are very sensitive regarding their breasts and often view a touch on the shoulder or back as sexual in nature. Girls in this age group are also extremely sensitive regarding remarks about their clothing and physical appearance. Typically, school employees get into trouble with this age group for patting knees, putting arms around shoulders, putting hands on waists, “looking at me funny” and snapping or rubbing bra straps.
   c. *Higher grades:* Very little touching is acceptable with this age group. Educators most often get into trouble with this group when they attempt to counsel troubled children, especially about sexual or romantic matters. If it is not in your job description to counsel students; it is best not to do so.

2. **Educator’s sex**
   Males are perceived as sexual aggressors and almost all accusations are leveled against male educators. Male educators must review their behavior very carefully to be certain it cannot be misinterpreted.

3. **Cultural/personal factors**
   a. Some individuals and some cultures are very uncomfortable with any sort of touching. Educators need to be sensitive to students’ individual and cultural preferences.
   b. If a student indicates by word or action that he/she is not comfortable with touching, the educator should avoid physical contact with that student unless such contact is absolutely necessary for safety reasons.
   c. Children who have previously been sexually abused may misperceive a neutral touch as sexual touch.

Some actions, even if not tainted with improper motives are common trouble areas. Such actions should be avoided when possible:

1. **Repeated one-to-one contact with an individual student.** For example, a teacher might assign a single child (or even two children) to come early to the gym to help set up for the day’s classes. A better solution is to assign this privilege (chore) to two students, one male and one female, for a quarter. Two other students would be selected in subsequent quarters.

2. **Social activities with students.** Taking a student or two to the movies, inviting students to the home, visiting students while they babysit. If you intend to use an out-of-school activity as a
reward for academic performance or behavior, notify parents and consult with your principal well in advance in writing of the educational purpose of the reward.

3. **Driving students in cars.** Students who are in cars with educators often say they were molested. A Type II school activity driver's authorization is required for all district employees to operate a district or private motor vehicle for the purpose of transporting students to and from school related activities. Coaches, educators and activity advisors are discouraged from transporting students. If this appears necessary, consult with an administrator in advance for guidance.

4. **Giving gifts to students.** If you wish to give gifts to reward students, discuss such gifts with the principal before they are given. Never give a student an expensive or personal gift such as perfume or flowers. Notify parents and principal in writing of the reward system and its educational purpose.

5. **Writing cards, notes, or letters to students.** Be particularly careful what is written in annuals. Use professional, distant name format such as “Thomas Brown” rather than “Tom” or “Brownie.” Do no tell or write students that you “love” them.

6. Other actions will be grounds for discipline and are very difficult to explain:
   a. **Any request for affection:** “give me a hug; give me a kiss,” etc.
   b. **Any touching** except on the shoulders, back and arms. Even this is dangerous with girls in grades four and on. Avoid lingering touches, such as shoulder massages.
   c. **Requests for sex or dates.**
   d. **Any lascivious or sexual remarks** of any sort, even those that are jokes.
   e. **Remarks about body parts** - “You have great legs,” “I wish my wife was built like you,” “I’m bigger than your boyfriend.” Remarks about appearance and dress are also questionable, (e.g. “You’re a pretty girl.” or “You should wear that sweater more often.”)

7. **Sexual contact with any student.** For employees a “student” includes:
   a. anyone currently supervised by the educational practitioner,
   b. anyone currently under the age of 18 whom the educational practitioner has ever supervised,
   c. anyone enrolled in any school or district who is attending an activity at which the educational practitioner is performing duties.

8. **Sexual contact with a former student.** Wait at least a year after graduation and be sure the student is 18 years old. Even so, such contact with former students is dangerous to job security.

9. **Giving alcohol to students** or former students under age 21. Lending identification to underage students so they can obtain alcohol.

10. **Bringing pornographic materials** to school is prohibited including sharing pornographic materials with students.
Accident Prevention and Employee Safety

Introduction
The Employee Safety and Health Handbook is offered to familiarize employees with the District’s Accident Prevention Program. This program was developed to fully establish a safe and healthy work environment. The elements of this program cover a broad spectrum of areas; all designed to prevent accidents and injuries. Taken individually, the program elements have minimal effect, but as an integrated program, and with the support of employees at all levels, it can reduce the frequency and severity of job related injuries to district employees. It is required that you take some time to read through this information. After reading this handbook, ask your supervisor to answer any questions you might have.

Responsibilities
The employer is responsible to provide a safe and healthy workplace free from recognized hazards. Establish, supervise, and enforce safety rules. Provide the required safety training to all employees. Ensure that personal protective equipment is worn when tasks dictate. Conduct an investigation of all accidents, regardless of severity.

The employee is required to know and comply with all safety rules and procedures. Immediately report all accidents to your supervisor. Identify and report all potential hazards and play an active role in creating a safe and healthy workplace.

Take personal responsibility for working safely and use common sense while performing your job. Nothing we do is worth getting injured!

Safety Policy
This district is dedicated to providing a safe and healthful work environment for all district personnel. It is our goal to reduce the frequency and severity of accidental injuries by providing our employees with safety information and appropriate safety training as a means of protecting employee welfare.

Safety Rules
Safety Rules are established to reduce the frequency and severity of accidental injuries. All accidents are preventable. It is your responsibility to follow all safety rules pertaining to your job.

✓ Please ask your supervisor for specific safety rules that pertain to your job
✓ All safety rules pertain to employees using common sense and being aware of the hazards of their work environment
✓ Failure to follow safety rules could result in disciplinary action

ID Badges
For the safety of students and staff, the district requires that all employees wear Everett Public Schools’ photo identification badges during the work day. Employees will be provided a photo ID badge upon employment. Replacements for misplaced or stolen badges will be issued by Human Resources for a fee of $20.00.

Accident Reporting and Investigation
Report all accidents to your supervisor. If you are injured on the job, you are required to fill out an “Accident/Incident Report” form.

If you are injured on the job and seek medical attention by a physician, please request the “Industrial Insurance Claim” information provided by your site supervisor. This packet includes information that will guide you through the claims process.

Generally, you are not required to report accidents that result in minor injuries (cuts, bruises and abrasions). If any of these injuries progress to conditions or complications beyond first aid, then you would report this to your supervisor immediately.
First Aid Requirements
The District will provide first aid training to a sufficient number of employees. The law requires that we provide at least one CPR/First Aid qualified person per site. Please check with your site supervisor for the qualified person in your area.
General first aid guidelines provide that “First Aid Kits” will be available for employee use. Please check with your site supervisor for the location of your kit.

Safety Committee
The District has a safety committee composed of management appointed and employee elected members. The main function of this committee is to monitor the effectiveness of the Accident Prevention Program. It accomplishes this by:
- Reviewing inspection reports from outside agencies
- Reviewing accident investigations to ensure corrective actions have been taken
- Investigating any hazards reported to them by employees
- Providing safety information and safety meeting minutes to be posted on all district safety bulletin boards

Safety and Health Training
On-going safety and health education programs will be provided for all employees in an effort to increase awareness of accident causation factors, to improve morale by demonstrating management’s concern for the safety of their employees, and to promote acceptance of safety and health regulations by presenting accident prevention as a positive, desirable, and integral part of all activities.

Emergency Actions
All employees will be provided training on emergency actions during the employees’ safety orientation or transfer to a new site. The emergency action plans developed for each location will be used as a training guide. Here are some important points to remember:
- Know your escape route in the event of an emergency (fire, earthquake, etc.). Learn your emergency evacuation procedures and participate in fire and emergency evacuation drills
- Know the location of emergency equipment (fire extinguishers, fire alarm pull boxes, natural disaster kits)
- Become familiar with the district’s Emergency Preparedness Plan (EPP) that addresses a variety of perils and actions to take in the event of an emergency or natural disaster
- Please check with your supervisor for the location of your posted emergency escape route

Hazard Reporting
A hazard is an accident waiting to happen! Please take some time to think about the hazards that you encounter at work on a daily basis. Sometimes an accident does not result in an injury. This type of accident is commonly called a “near-miss”. A near-miss should be reported to your supervisor immediately. Your supervisor will investigate the incident and assess for corrective actions.

It’s your responsibility!
- It is the employees’ right and responsibility to report any unsafe act, condition, or procedure that they encounter
- Report all hazards to your supervisor in writing or by email
- If possible, all hazards will be corrected at the site level. Some hazards may require further assistance from your maintenance department for resolution
- Hazard reporting forms are available on your Safety Bulletin Board

Personal Protective Equipment
All employees whose positions require the use of personal protective equipment will be provided instruction on use of that PPE by their supervisor. The instruction will include:
- The requirement for use, care and maintenance of PPE
- The issuance of PPE will be provided free of charge to each employee whose job requires its use
Performing any job without the use of the required PPE could result in disciplinary action.

**Safety Bulletin Board**
The Safety Bulletin Board is used to communicate safety-related information to employees. Know the location of your Safety Board. The Safety Bulletin Board will contain:

- Names of Safety Committee Members
- Names of First Aid certified personnel
- Emergency phone numbers
- Safety Committee meeting minutes
- WISHA/DOSH required posters
- Hazard reporting forms

Find out where the Safety Bulletin Board is located at your site.

**DISTRICT SAFETY PROGRAMS**

**Hazard Communication Program**
The Hazard Communication Program was developed to ensure that employees are informed of the chemical hazards associated with products used in their work areas. This is known as the “Workers’ Right to Understand” standard for chemicals in the workplace. This standard states that:

- Employees will have access to SDS (Safety Data Sheet) information for all chemicals used in the workplace
- Employees will be trained on proper use of personal protective equipment associated with the chemicals they are using
- Required PPE will be provided free of charge

Please Note: Employees are discouraged from bringing household chemicals to work. Please check with your supervisor before using any consumer formulated cleaning product at work.

**Science Laboratory Safety Program**
The scope of this program is to ensure that employees working with hazardous chemicals in laboratories are informed of hazards, know the proper hazard evaluation methods, and know how to protect themselves from overexposure to chemicals. The district will designate a Chemical Hygiene Officer (CHO) to develop a written Chemical Hygiene Plan and provide yearly training to employees that work with chemicals in labs.

**Lockout-Tagout Program**
This program establishes the requirements for the lockout or tagout of energy sources. It is used to ensure that machines or equipment are isolated from all potentially hazardous energy, and locked-out or tagged-out before employees perform any servicing or maintenance activities where the unexpected energization, start-up or release of stored energy could cause injury.

Affected employees will be given specific training of the lockout or tagout procedures during their initial job safety training conducted by their supervisor.

Each new or transferred employee and other employees, whose work operations are or may be in the area, shall be instructed on the lockout or tagout procedures.

**Hearing Conservation Program**
This program was developed to protect employees from potential hearing loss due to exposure to high occupational noise levels. The district identifies all areas that exceed designated noise levels, and takes preventative measures to reduce that exposure depending upon the noise levels.

**Outdoor Heat Exposure Program (Heat Stress)**
All employees whose positions require them to work outdoors in hot weather can result in serious illness or even death. Workers exposed to extreme heat may experience symptoms of heat-related illnesses (HRI), such as heat cramps, heat rash, heat exhaustion, fainting, heat stroke, and other symptoms.

Heat-related illness is also linked to injuries from falls, equipment operation accidents, and other on-the-job incidents. The Outdoor Heat Exposure rule applies from May 1 through September 30, every year, when employees are exposed to outdoor heat at or above applicable temperature levels. Employees are encouraged to frequently consume water or other acceptable beverages to ensure hydration and understand the signs and symptoms of heat-related illness, how it affects their health, and how it can be prevented.

**Respirator Program**
This program establishes the requirement for the proper use of respirators, types of filters, fit testing and training for employees who may be exposed to airborne toxins during performance of their jobs. Affected employees will receive medical screening and specialized training prior to being required to wear a respirator.

**Asbestos Management Program**
Asbestos in schools is regulated by the Asbestos Hazard Emergency Response Act (AHERA). AHERA requires school districts to have a properly accredited asbestos manager, perform inspections of the schools for asbestos-containing building materials, prepare a management plan and provide asbestos related notifications to parents, teachers and employee organizations.

**Fall Protection Program**
This program was developed to protect district employees who may be required to perform tasks or operations ten feet or more above a lower level. Affected employees will receive specialized training for fall protection.

Following these guidelines can prevent falls:
- Always use handrails when using stairs
- Use caution when walking on surfaces which contain ice, snow, rock, oil, water or other adverse or unstable material or condition
- Immediately clean up spills
- Prevent fall hazards by keeping stairs, walkways, aisles and walk areas clear of boxes, loose materials, wires and other objects
- Select shoes for comfort and safety that are compatible with your work environment
- Do not stand or climb on a desk, chair, or other unstable surface to reach for an object. Use a ladder!

**Confined Space Program**
Under this program, all locations, which meet the WISHA/DOSH definition of a confined space, are identified and classified based upon any hazardous conditions they may present. A confined space is a space that is large enough for an employee to enter or break the plane of entry, has restricted means of entry or exit, has unfavorable natural ventilation and is not designed for continuous employee occupancy.

Examples of confined spaces include, but are not limited to: Tanks, tunnels, trenches, vaults, manholes sewers, silos.

Districts shall identify all confined spaces and maintain a confined space entry policy and procedure.

Do not enter a confined space or break the plane of entry with any part of your body if you are not trained in and have not fully implemented the confined space entry procedure.

**Bloodborne Pathogens Exposure Control Plan**
This program provides requirements to protect employees from exposure to blood or other potentially infectious materials (OPIM) that may contain bloodborne pathogens. Examples of bloodborne pathogens are the human immunodeficiency virus (HIV) and hepatitis B virus (HBV).

Employees considered having occupational exposure to blood or other potentially infectious materials will receive further training.

**Exposure Procedure**

Once an employee has direct contact with blood or other body fluids (including saliva); such as from a needle stick, cut, bite or eyesplash, post-exposure treatment may be necessary. Referral to Healthforce Occupational Medicine Center must occur as soon as possible after exposure; within 2-hours for HIV and 24-hours for Hepatitis B infection for provision of immediate protection.

**What You Must Do If You Are Exposed**

1. **Immediately** wash the exposed area with soap and water for at least ten seconds.
2. **Notify** the building secretary, health room assistant or nurse immediately. They will fill out an Exposure Incident Report Form.

Call the benefits office (425-385-4115) to report the exposure. The Exposure Incident Report Form must be faxed to the human resources department at 425-385-4135 and the completed original must be sent to human resources via district mail. A confidential medical evaluation and follow-up with U.S. Healthworks, 3726 Broadway, Suite 101, Everett, 425-259-0300 will be set-up immediately. The health care provider at U.S. Healthworks will determine if treatment is necessary. This evaluation will be at no cost to the employee.

If the incident involves another individual (exposure source) as a result of an incident such as biting or an accident involving blood, the exposure source will then be asked to go to U.S. Healthworks for testing at the same time the employee is sent for a medical evaluation. If the source of blood or other body fluid exposure is a child, it will be necessary to request for the parent/guardian to have the child tested.

An exposure is considered an on-the-job injury. Go to www.pswct.org to file your claim per instructions on previous pages.

The human resources department must maintain required records for at least the duration of employment plus 30 years.

**WORKPLACE SAFETY GUIDELINES**

**Safe Lifting**

Most back injuries result from improper lifting. Protect your back by practicing proper lifting and carrying techniques. Remember: It’s easier to prevent a back injury than to recover from one!

**Prepare the lift** - Think about the load you’ll be lifting. Ask yourself:
- Can I lift it alone?
- Do I need mechanical help such as a cart or dolly?
- Is it too awkward for one person to handle?
- Should I ask a co-worker for help, or split the load into several smaller ones?
- If you decide you can manage the load by yourself, follow the next steps.

**Tuck your pelvis** - Tighten your stomach muscles and tuck your pelvis. Tightening the stomach muscles automatically helps to support the lower back.

**Bend your knees** - Always bend your knees when lifting anything. This helps maintain your center of balance and lets the strong muscles in your legs do the work of lifting while protecting your back.
**Hug the load** - Bring the object you are lifting as close to your body as possible. Keep your back upright as you lift. Gradually straighten your legs to a standing position to lift the load.

**Pickup the load** - Make sure your feet, knees, and torso are pointed toward the load when you lift. Come to an upright position then pivot using your feet. As you carry the load, change direction with your feet, **not by** twisting your body. Twisting and lifting at the same time can overload your spine. When you are ready to set the load down, have your feet pointed toward the load.

**Put the load down** - If possible, choose a place other than the floor to set down the load, so the load will be easier to pick up if it must be moved again. Avoid lifting above your shoulder height.

**Office Ergonomics**

There is no denying that computers have forever changed the workplace. They have made organization and complicated tasks much easier for millions of workers each day. While computers have been helpful they also can propose some ergonomic risks. Repetitive Strain Injury (RSI) can happen from repetitive motion of the hands and arms. Also, improper posture and positioning can cause back, neck and eye strain. These injuries happen far too often in the workplace. Most of the time we think of on-the-job injuries from very physical activities, but the truth is that even some of the most common office tasks can lead to injury. Taking a few precautions can possibly save you from a lot of pain and suffering. Following some simple guidelines could go a long way in preventing RSI in the workplace.

**Chair**

- Set the height of your chair to allow support of your feet with either a footrest or if your workstation height will allow, place them flat on the floor supporting your feet and lower legs only
- Make sure the angle between your torso and legs is greater than 90°
- Allow 2" - 4" of space between the waterfall front of the seat cushion and the back of your knee
- Relax your shoulders
- Support your forearms while keeping your elbows and wrists in a neutral position with your wrists at or below elbow height
- Position the backrest nearly upright, or slightly reclined if you have head support
- Fine tune the backrest to provide full support of your lumbar curve

**Keyboard**

- Adjust the keyboard to keep your arms, wrists and hands in a straight line. Your hands should be slightly lower than your elbows.
- Place the mouse and keyboard at the same height with the mouse close to the keyboard.
- Allow sufficient clearance below the keyboard for your knees and legs to move (at least 1"-2").

**Monitor**

- Place directly in front of the keyboard (centered on "g/h" split of the keyboard) with the top of the screen at or below eye level (at least 24" from eyes).
✓ Adjust the screen angle to eliminate glare.
✓ Use a document holder to place documents as close to the monitor as possible, preferably at the same height and viewing distance from your eyes.
✓ Illuminate your documents properly with direct task lighting.
✓ To reduce eyestrain avert your eyes from the monitor periodically and focus on distant objects.

**Slips, Trips and Falls**
Slips, trips and falls have been a major cause of injury over the years in workers’ compensation insurance programs. During a typical policy year *approximately* 25% of all reported injuries can be attributed to various types of slips, trips and falls. We hope by reviewing the following guidelines, school employees will be better prepared to recognize, evaluate and control these hazards.

To avoid slips trips and falls, follow these general guidelines:
✓ Environmental Awareness – Pay attention to where you are walking
✓ Take your time – Short cuts and inattention occurs when you are in a hurry
✓ Use handrails- Particularly on steps and ramps
✓ Wear proper footwear – Slip resistant shoes that are flat, rubber-soled, with wide tread designs are best

Many fall hazards occur on wet or icy surfaces. These areas can be found around bathrooms, around water fountains, and in cafeterias.
✓ During cold or rainy weather, be especially careful of walking areas where ice can accumulate
✓ Take your time –Walk slowly and carefully
✓ Avoid areas that are wet or icy- Take a safer route to your destination

In addition to wet, icy, and slippery surfaces, school district employees have encountered trip hazards with the following situations:
✓ Boxes of office equipment – Keep boxes and storage items out of walkways
✓ Electrical Cords – Computer and appliance cords must be managed properly to avoid trip hazards.
✓ Mats and carpet edges – Be sure mats and carpets are secured and are not rolled up on the edges
✓ Desk and filing cabinet drawers – Keep desk and file drawers closed when not in use
✓ Speed bumps and bumper stops in parking lots – Speed bumps and bumper stops should be painted for recognition and visibility. They are still hard to see when it is dark
✓ Holes and uneven sidewalks – Report holes and uneven surfaces to maintenance so they can be fixed.

Please take some time to evaluate your work area for any fall hazards that you may encounter.

**Ladder Safety**
Ladder safety is often an overlooked lesson. Over 500,000 people each year are injured by falls involving ladders. Most of these incidents occur because the victims violate the basic rules of ladder safety. Portable ladders are used at our school district sites in a wide variety of settings, maintenance, academic and administrative. Misuse of portable ladders can result in serious injuries from falls or in some cases, death. It is our goal to provide safety information to our school district members to reduce the potential for injury.

Please follow these ladder safety guidelines.
✓ Use a ladder of proper length to reach the working height you need. **Chairs, boxes and desks are not ladders and are unsafe to stand on.**

✓ Make sure you choose the right ladder to support your weight and the job you are about to perform.

✓ Inspect the ladder **BEFORE** you use it. Check the rungs, spreaders and side rails before use. Never use a damaged ladder.

✓ Place the feet of the ladder on firm, even, ground. The bottom of the ladder should be about one foot away from the wall for every four feet that the ladder rises. The upper and lower sections of an extension ladder should overlap to provide stability.

✓ Face the ladder and hold on with **BOTH** hands while climbing. Stay in the center of the rails. Do not lean over the side of the ladder. Your belt buckle should not be further than the side rail. Tools should be carried on a tool belt or raised and lowered using a hand line

✓ On single or extension ladders, never stand above the third rung from the top and never climb above the point where the ladder touches the wall or vertical support.
Worker’s Compensation Filing Information

*I have been injured on the job and need to see a doctor. What do I do next?*

Instructions: Notify your supervisor of your injury. Visit our website, www.pswct.org, to begin the electronic filing of the incident. Completing this online form will generate an Accident/Incident Report that will be sent to your supervisor so an accident investigation can be conducted, if necessary.

If you indicated that you have sought, or intend to seek, medical care on this form, a claim for workers’ compensation benefits will be established for you. You can expect to hear from Puget Sound Workers’ Compensation Trust staff within 3 business days.

If you have any questions or require assistance with the online process contact:

Puget Sound Workers’ Compensation Trust: 425-917-7638
pswct@psesd.org

Everett Public Schools’ Benefits Office: 425-385-4115
benefits@everettsd.org
Family Medical Leave Act (FMLA)
Employee Rights and Responsibilities

Basic Leave Entitlement
FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:
• For incapacity due to pregnancy, prenatal medical care or child birth;
• To care for the employee's child after birth, or placement for adoption or foster care;
• To care for the employee’s spouse, son or daughter, or parent, who has a serious health condition; or
• For a serious health condition that makes the employee unable to perform the employee’s job.

Military Family Leave Entitlements
Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.
FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections
During FMLA leave, the employer must maintain the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

Eligibility Requirements
Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition
A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities.
Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave
An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer’s operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave
Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer’s normal paid leave policies.

Employee Responsibilities
Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer’s normal call-in procedures. Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities
Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees’ rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.
Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee’s leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers
FMLA makes it unlawful for any employer to:
• Interfere with, restrain, or deny the exercise of any right provided under FMLA;
• Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement
An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.
HIPAA Privacy Notice

This notice describes how medical information about you, may be used and disclosed, and how you can get access to this information. Please review it carefully.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) imposes numerous requirements on employer health plans concerning the use and disclosure of individual health information. This information, known as protected health information, includes virtually all individually identifiable health information held by the plan – whether received in writing, in an electronic medium, or as an oral communication. This notice describes the privacy practices of the following plans: Preferred Provider Organizations (PPO)/ Healthcare Management Administrators (HMA), Pharmaceutical Care Network (PCN), and Flexible Spending Accounts (FSA). The plans covered by this notice may share health information with each other to carry out treatment, payment, or health care operations. These plans are collectively referred to as the plan in this notice, unless specified otherwise.

The plans duties with respect to health information about you
The plan is required by law to maintain the privacy of your health information and to provide you with this notice of the plans legal duties and privacy practices with respect to your health information. If you participate in an insured plan option, you will receive a notice directly from the insurer. Different policies may apply to other Everett School Employee Benefit Trust programs or to data unrelated to the health plan.

How the plan may use or disclose your health information
The privacy rules generally allow the use and disclosure of your health information without your permission (known as an authorization) for purposes of health-care treatment, payment activities, and health-care operations. Here are some examples of what that might entail:

Treatment includes providing, coordinating, or managing health care by one or more health-care providers, or doctors. Treatment can also include coordination or management of care between a provider and a third party, and consultation and referrals between providers. For example, the plan may share health information about you with physicians who are treating you.

Payment includes activities by this plan, other plans, or providers to obtain premiums, make coverage determinations and provide reimbursement for health care. This can include eligibility determinations, reviewing services for medical necessity or appropriateness, utilization management activities, claims management, and billing, as well as “behind the scenes” plan functions such as risk adjustment, collection, or reinsurance. For example, the plan may share information about your coverage or the expenses you have incurred with another health plan in order to coordinate payment of benefits.

Health care operations include activities by this plan (and in limited circumstances other plans or providers) such as wellness and risk assessment programs, quality assessment and improvement activities, customer service, and internal grievance resolution. Health-care operations also include vendor evaluations, credentialing, training, accreditation activities, underwriting, premium ratings, arranging for medical review and audit activities, and business planning and development. For example, the plan may use information about your claims to review the effectiveness of wellness programs.

The amount of health information used or disclosed will be limited to the “minimum necessary” for these purposes, as defined under the HIPAA rules. The plan may also contact you to provide appointment reminders or information about treatment alternatives or other health-related benefits and services that may be of interest to you.
How the plan may share your health information with Everett School Employee Benefit Trust

The plan, or its health insurer or HMO, may disclose your health information without your written authorization to Everett School Employee Benefit Trust for plan administration to purposes. Everett School Employee Benefit Trust may need your health information administer benefits under the plan. Everett School Employee Benefit Trust agrees not to use your disclose your health information other than as permitted or required by the plan documents and by law. Human Resources administrators, benefits staff, and payroll staff are the only Everett School Employee Benefit Trust employees who will have access to your health information for plan administration functions.

Here is how additional information may be shared between the plan and Everett School Employee Benefit Trust, as allowed under the HIPAA rules:

- The plan, or its insurer or HMO, may disclose “summary health information” to Everett School Employee Benefit Trust, if requested, for purposes of obtaining premium bids to provide coverage under the plan, or for modifying, amending, or terminating the plan. Summary health information is information that summarizes participants’ claims information, but from which names and other identifying information has been removed.
- The plan, or its insurer or HMO, may disclose to Everett School Employee Benefit Trust information on whether an individual is participating in the plan, or has enrolled or disenrolled in an insurance option or HMO offered by the plan.

In addition, you should know that Everett School Employee Benefit Trust cannot and will not use health information obtained from the plan for any employment related actions. However, health information collected by Everett School Employee Benefit Trust from other sources, for example under the Family and Medical Leave Act, Americans with Disabilities Act, or workers’ compensation is not protected under HIPAA (although this type of information may be protected under other federal or state laws).

Other allowable uses or disclosures of your health information

In certain cases, your health information may be disclosed without authorization to a family member, close friend, or other person you identify who is involved in your care or payment for your care. Information describing your location, general condition, or death, may be provided to a similar person, (or to a public or private entity authorized to assist in disaster relief efforts). You will generally be given the chance to agree or object to these disclosures (although exceptions may be made, for example if you are not present or if you are incapacitated). In addition, your health information may be disclosed without authorization to your legal representative.

The plan is allowed to use or disclose your health information without your written authorization for the following activities:

<table>
<thead>
<tr>
<th>Workers compensation</th>
<th>Disclosures to workers’ compensation or similar legal programs that provide benefits for work-related injuries or illness without regard to fault, as authorized by and necessary to comply with such laws.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Necessary to prevent serious threat to health or safety</td>
<td>Disclosures made in the good faith belief that releasing your health information is necessary to prevent or lessen a serious and imminent threat to public or personal health or safety. Disclosures should be made to someone reasonably able to prevent or lessen the threat (including: disclosures to the target of the threat); includes disclosures to assist law enforcement officials in identifying, or apprehending an individual, because the individual has made a statement admitting participation in a violent crime that the plan reasonably believes may have caused serious physical harm to a victim, or where it appears the individual has escaped from prison, or from lawful custody.</td>
</tr>
<tr>
<td>Category</td>
<td>Description</td>
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<td>---------------------------------------</td>
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<tr>
<td>Public health activities</td>
<td>Disclosures authorized by law to persons who may be at risk of contracting or spreading a disease or condition; disclosures to public health authorities to prevent or control disease or report child abuse or neglect; and disclosures to the Food and Drug Administration to collect or report adverse events or product defects.</td>
</tr>
<tr>
<td>Victims of abuse, neglect, or domestic violence</td>
<td>Disclosures to government authorities, including social services or protected services agencies authorized by law to receive reports of abuse, neglect, or domestic violence, as required by law. If the plan believes the disclosure is necessary to prevent serious harm to you or potential victims, you will be notified of the disclosure if informing you will not put you at further risk.</td>
</tr>
<tr>
<td>Judicial and administrative proceedings</td>
<td>Disclosures in response to a court or administrative order, subpoena, discovery request, or other lawful process (the plan may be required to notify you of the request, or receive satisfactory assurance from the party seeking your health information, that efforts were made to notify you, or to obtain a qualified protective order concerning the information).</td>
</tr>
<tr>
<td>Law enforcement purposes</td>
<td>Disclosures to law enforcement officials required by law or pursuant to legal process. To identify a suspect, fugitive, witness, or missing person; disclosures about a crime victim if you agree or if disclosure is necessary for immediate law enforcement activity; disclosure about a death that may have resulted from criminal conduct; and disclosure to provide evidence of criminal conduct on the plan’s premises.</td>
</tr>
<tr>
<td>Decedents</td>
<td>Disclosures to a coroner or medical examiner to identify the deceased or determine the cause of death. Also to funeral directors to carry out any duties.</td>
</tr>
<tr>
<td>Organ, eye, or tissue donation</td>
<td>Disclosures to organ procurement organizations or other entities to facilitate organ, eye, or tissue donation and transplantation after death.</td>
</tr>
<tr>
<td>Research purposes</td>
<td>Disclosures subject to approval by institutional or private privacy review boards, subject to certain assurances and representations by researchers regarding necessity of using your health information and treatment of the information during a research project.</td>
</tr>
<tr>
<td>Health oversight activities</td>
<td>Disclosures to health agencies for activities authorized by law (audits, inspections, investigations, or licensing actions) for oversight of the healthcare system, government benefits programs for which health information is relevant to beneficiary eligibility, and compliance with regulatory programs or civil rights laws.</td>
</tr>
<tr>
<td>Specialized government functions</td>
<td>Disclosures about individuals who are armed forces personnel or foreign military personnel under appropriate military command; disclosures to authorized federal officials for national security or intelligence activities; and disclosures to correctional facilities or custodial law enforcement officials about inmates.</td>
</tr>
<tr>
<td>HHS investigations</td>
<td>Disclosures of your health information to the Department of Health and Human Services (HHS) to investigate or determine the plan’s compliance with the HIPAA privacy rule.</td>
</tr>
</tbody>
</table>

The plan is not required to agree to a requested restriction. If the plan does agree, a restriction may later be terminated by your written request, by agreement between you and the plan (including an oral agreement), or unilaterally by the plan for health information created or received after you are notified that the plan has removed the restrictions. The plan may also disclose health information about you if you need emergency treatment, even if the plan has agreed to a restriction.
Right to receive confidential communications of your health information
If you think that disclosure of your health information by the usual means could endanger you in some way, the plan will accommodate reasonable requests to receive communications of health information from the plan by alternative means or at alternative locations. If you want to exercise this right, your request to the plan must be in writing, and you must include a statement that disclosure of all or part of the information could endanger you.

Right to inspect and copy your health information
With certain exceptions, you have the right to inspect or obtain a copy of your health information in a “designated records set” (a group of records maintained by or for a covered entity that is the medical and billing records about individuals; enrollment, payment, claims adjudication, and case or medical management record systems maintained by or for a health plan). You do not have a right to inspect or obtain copies of psychotherapy notes or information compiled for civil, criminal, or administrative proceedings. In addition, the plan may deny your right to access, although in certain circumstances you may request a review of the denial.

If you want to exercise this right, your request to the plan must be in writing. Within 30 days of receipt of your request (60 days if the health information is not accessible onsite), the plan will provide you with:
- The access or copies you requested
- A written denial that explains why your request was denied and any rights you may have to the denial reviewed or file a complaint
- A written statement that the time period for reviewing your request will be extended for no more than 30 more days, along with the reasons for the delay and the date by which the plan expects to address your request.

The plan may provide you with a summary or explanation of the information instead of access to or copies of your health information. If you agree in advance, and pay any applicable fees, the plan may also charge reasonable fees for copies or postage.

If the plan does not maintain the health information but knows where it is maintained, you will be informed of where to direct your request.

Right to obtain a paper copy of this notice from the plan upon request
You have the right to obtain a paper copy of this privacy notice upon request. Individuals who agreed to receive this notice electronically may request a paper copy at any time.

Changes to the information in this notice
The plan must abide by the terms of the privacy notice currently in effect. This notice takes effect on April 14, 2003. The plan reserves the right to change the terms of its privacy policies as described in this notice at any time, as well as to make new provisions effective for all health information that the plan maintains. This includes health information that was previously created or received, not just health information created or received after the policy is changed. If changes are made to the plans privacy policies described in this notice, you will be provided with a revised privacy notice via in district mail or US mail.

Complaints
If you believe your privacy rights have been violated, you may complain to the plan and to the secretary of Health and Human Services (HHS). You will not be retaliated against for filing a complaint. To file a complaint, obtain a complaint form from the complaint manager by calling the human resources benefits department at 425-385-4115.

Contact
For more information on the plans privacy policies or your rights under HIPAA, contact the human resources benefits department at 425-385-4115.
Special enrollment rights
Under the special enrollment provisions of HIPAA, you may be eligible, in certain situations, to enroll in an Everett School Employee Benefit Trust sponsored medical plan during the year, even if you previously declined coverage. This right extends to you and all eligible family members.

You will be eligible to enroll yourself (and eligible dependents) if, during the year, you or your dependents have lost coverage under another plan because:

- Coverage ended due to termination of employment, divorce, death, or a reduction in hours that affected benefit eligibility
- Employer contributions to the plan stopped
- The plan was terminated
- COBRA coverage ended
- The lifetime maximum for medical benefits was exceeded under the existing medical coverage option

You must notify the plan within 30 days of the loss of coverage in order to enroll in an Everett School Employee Benefit Trust sponsored medical plan during the year. If not done so within 30 days, you will be required to wait until the next open enrollment period.

If you gain a new dependent during the year because of marriage, birth, adoption, or placement for adoption, you may enroll that dependent, as well as yourself and any other eligible dependents, in a plan even if you previously declined medical coverage.

Right to amend your health information that is inaccurate or incomplete
With certain exceptions, you have a right to request that the plan amend your health information in a “designated records set.” The plan may deny your request for a number of reasons. For example, your request may be denied if the health information is accurate and complete, was not created by the plan (unless the person or entity that created information is no longer available), is not part of the “designated records set” or is not available for inspection (e.g., psychotherapy notes or information compiled for civil, criminal, or administrative proceedings).

If you want to exercise this right, your request to the plan must be in writing, and you must include a statement to support the requested amendment. Within 60 days of your receipt of your request, the plan will:

- Provide a written denial that explains why your request was denied and any rights you may have to disagree or file a complaint
- Provide a written statement that the time period for reviewing your request will be extended for no more than 30 more days, along with the reasons for the delay and date by which the plan expects to address your request.

Right to receive an accounting of disclosures of your health information
You have the right to a list of certain disclosures of your health information the plan has made. This is referred to as an accounting of disclosures. You may receive an accounting of disclosures if the disclosure is required by law, in connection with public health activities, or in a similar situation listed in the table earlier in this notice, unless otherwise indicated below.

You may receive information on disclosures of your health information going back for six years from the date of your request, but no earlier than April 14, 2003 (the date that HIPAA privacy rules became effective). You do not have a right to receive an accounting of any disclosures made:

- For treatment, payment, or health care operations
- To you, about your own health information
- Incidental to other permitted or required disclosures
- Where authorization was provided
- To family members or friends involved in your care (where disclosure is permitted without authorization)
• For national security or intelligence purposes or to correctional institutions or law enforcement officials in certain circumstances

Your right to an accounting of disclosures to a health oversight agency or law enforcement official may be suspended at the request of the agency or official. If you want to exercise this right, your request to the plan must be in writing. Within 60 days, the plan will provide you with the list of disclosures or a written statement that the time period for providing this list will be extended for no more than 30 more days, along with the reasons for the delay and the date by which the plan expects to address your request. You may make one request in any 12-month period at no cost to you. The plan may charge a fee for any subsequent requests. You will be notified in advance of any fees and have the opportunity to change or revoke your request.