

# PROPOSED REVISION

3204

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## STUDENTS

### Prohibition of Harassment, Intimidation **and or** Bullying

~~Everett Public Schools~~ The board is committed to ~~maintains~~ a safe and civil educational environment for all students, employees, parents/legal guardians, volunteers and community members that is free from harassment, intimidation, **or and** bullying (HIB). Our district's core values include our commitment to value differences among people and treat one another respectfully. HIB of students by other students, by staff members, by volunteers, by parents or by guardians is prohibited.

As defined in legislation, "Harassment, intimidation or bullying" means any intentional electronic, written, verbal, or physical act including but not limited to, one shown to be motivated by any characteristic in [RCW 28A.640.010](#) and [RCW 28A 642.010](#), or other distinguishing characteristics, when the act:

- A. Physically harms a student or damages the student's property;
- B. Has the effect of substantially interfering with a student's education;
- C. Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
- D. Has the effect of substantially disrupting the orderly operation of the school.

Nothing in this section requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation or bullying.

"Other distinguishing characteristics" can include but are not limited to physical appearance, clothing or other apparel, socioeconomic status and weight.

"Intentional acts" refers to the individual's choice to engage in the act rather than the ultimate impact of the action(s).

~~It shall be a violation of this policy and the district's sexual harassment policy for any student of the district to harass, intimidate, or bully another student through electronic, written, verbal, nonverbal, or physical conduct while in or on school property (or in reasonable proximity thereto), school transportation, or at school-sponsored activities off school property.~~

### Behaviors/Expressions

This policy recognizes that 'harassment,' 'intimidation,' and 'bullying' are separate but related behaviors. Each must be addressed appropriately. The accompanying procedure differentiates the three behaviors; however, this differentiation should not be considered part of the legal definition of these behaviors

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HIB can take many forms, including but not limited to, slurs, ~~name-calling~~, rumors, jokes, innuendoes, demeaning comments, drawings, cartoons, pranks, gestures, ~~hazing~~, physical attacks, threats or other written, oral, or physical ~~acts~~ or electronically transmitted messages or images.

This policy is not intended to prohibit expression of religious, philosophical, or political views, provided that the expression does not substantially disrupt the educational environment. Many behaviors that do not rise to the level of HIB may still be prohibited by other district policies or building, classroom or program rules.

## Training

This policy is a component of the district's responsibility to create and maintain a safe, civil, respectful and inclusive learning community and will be implemented in conjunction with comprehensive training of staff and volunteers. Specific training requirements are included in the accompanying procedure.

## Prevention

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

## Interventions

Interventions will be designed to ~~address~~ remediate the impact ~~that HIB has on victims the targeted student(s)~~ and upon others impacted by the violation. ~~Interventions will also be designed~~ to change the behavior of the aggressor, and to restore a positive school climate.

The district will consider the frequency of incidents, developmental age of the student, and severity of the conduct ~~to in~~ determining intervention strategies. Interventions ~~may include~~ will range from counseling, correcting behavior and discipline, to law enforcement referrals.

## Students with Individual Education Plans or Section 504 Plans

If allegations are ~~made~~ proven that a student with an Individual Education Plan (IEP) or Section 504 Plan has been the aggressor or target of HIB, the school will convene the student's IEP or Section 504 team to determine whether the incident had an impact on the student's ability to receive a free, appropriate public education (FAPE). The meeting ~~will~~ should occur regardless of whether the HIB incident was based on the student's disability. During the meeting, the team will evaluate issues such as the student's academic performance, behavior issues, attendance, and participation in extracurricular activities. If a determination is made that the student is not receiving a FAPE, as a result of the HIB incident, the district will provide ~~all necessary~~ additional services and supports as deemed necessary, such as counseling, monitoring and/or reevaluation or revision of the student's IEP or Section 504 plan, to ensure the student receives a FAPE.

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## **Retaliation/ False Allegations**

Retaliation is prohibited and will result in appropriate discipline. It is a violation of this policy to threaten or harm someone for reporting HIB, **or participating in an investigation.**

## **False Allegations**

**It is also a violation of district policy to**  ~~knowingly reporting false allegations of HIB-is prohibited.~~ Students or employees will not be disciplined for making a report in good faith. However, persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline.

## **Compliance Officer**

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

The superintendent is authorized to direct the ~~development and~~ implementation of procedures ~~to carry out~~ **addressing the elements of** this policy.

Cross references:

[Board Policy 2124](#)

[Board Policy 2125](#)

[Board Policy 2145](#)

[Board Policy 2210](#)

[Board Policy 3200](#)

[Procedure 3204P](#)

[Board Policy 3205](#)

[Board Policy 3210](#)

[Board Policy 3213](#)

[Board Policy 3240](#)

[Board Policy 3245](#)

[Board Policy 3246](#)

[Board Policy 3300](#)

[Board Policy 4316](#)

[Board Policy 5253](#)

Digital Citizenship and Media Literacy

Web-based Resources and Other Online

Educational Services

Suicide Prevention

Special Education and Related Services for

Eligible Students

Student Rights and Responsibilities

Prohibition of Harassment, Intimidation ~~and~~  
**or** Bullying

Sexual Harassment of Students

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Student Conduct Expectations and Sanctions

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Notification of Threats of Violence or Harm

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Legal references:	<a href="#">RCW 9A.36.080</a>	Malicious harassment—Definition and criminal penalty
	<a href="#">RCW 26.44</a>	Abuse of Children
	<a href="#">RCW 28A.300.285</a>	Harassment, intimidation, and bullying prevention policies and procedures—Model policy and procedure—Training materials—Posting on web site—Rules—Advisory committee
	<a href="#">RCW 28A.600.480</a>	Reporting of harassment, intimidation, or bullying—Retaliation prohibited—Immunity
	<a href="#">RCW 28A.640</a>	Sexual Equality
	<a href="#">RCW 49.60</a>	Discrimination—human rights commission
	<a href="#">WAC 392-190</a>	Equal educational opportunity—unlawful discrimination prohibited
	<a href="#">WAC 392-190-059</a>	Harassment, intimidation, and bullying prevention policy and procedure—School districts
	<a href="#">WAC 392-400-215</a>	Student rights
	<a href="#">Title IX Education Amendments of 1972</a>	

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