

**INDEX
SCHOOL
DISTRICT**

**STAFF
HANDBOOK**

2025-2026



Table of Contents

	<u>Page(s)</u>
Arrival and Dismissal	2
Staff Information	3 - 5
Student and Staff Meal Prices	6
Reports and Forms	7
Staff / Board Travel Guidelines & Forms	8 - 14
Emergency / Disaster	15 - 41
24-25 School Calendar	42
24-25 Phone Tree	43
Policy Reviews	
3205 Sex Discrimination & Sex-Based Harassment of Student Prohibited	44 - 46
3205P Procedure - Sexual Harassment of Student Prohibited	57 - 58
3205P1 Procedure – Sex Discrimination and Sex-Based Harassment of Students Prohibited - Grievance	59 – 82
3205 P2 Procedure – Sex Discrimination and Sex-Based Harassment Prohibited - Implementation	83 – 90
3207P Procedure - Prohibition of Harassment, Intimidation, and Bullying	91 - 96
3210 Nondiscrimination	97
3210P Procedure - Nondiscrimination	98 - 101
3211 Gender – Inclusive Schools	102
3241P Procedure - Student Discipline	103 - 124
3420P Procedure - Anaphylaxis Prevention	125 - 128
3422P Procedure - Concussion, Head Injury, and Sudden Cardiac Arrest	129
4215 Use of Tobacco, Nicotine Products and Delivery Devices	130
5010P Procedure – Nondiscrimination	131 - 139
5011 Sexual Harassment of District Staff Prohibited	140 - 143
5011P Procedure – Sexual Harassment of District Staff Prohibited	144 - 145
5201 Drug-Free Schools, Community, and Workplace	146 - 147
5253P Procedure - Maintaining Professional Staff/ Student Boundaries	148 - 150
5271P Procedure - Reporting Improper Government Actions	151 - 154

Arrival and Dismissal

Arrival

There is no supervision outside the school building in the A.M. Students will be allowed in the building at 7:45 a.m. for breakfast.

Early Dismissal

No child shall be excused from the school for any reason without clearance from the office staff. Parents please sign your child out in the office.

Early Dismissal of Teachers for Educational Purpose

These procedures and guidelines are based on the premise that the teachers' contractual day is 30 minutes before the student day and 30 minutes after the student day. However, certain circumstances may warrant deviation from this contractual day. If deviations occur, the following provisions must be considered:

1. Instruction and supervision of students will not be interrupted.
2. Educational request forms must be approved prior to registration.
3. Every effort should be made to arrange that attending the class does not conflict with the contractual day.

Dismissal for the Day

Insist that children leave the building and grounds immediately after dismissal, unless remaining for a definite, accepted purpose and under teacher supervision. NEVER KEEP PUPILS AFTER SCHOOL UNLESS PARENTS ARE NOTIFIED AND AGREE TO THIS PROCEDURE.

Flag Salute

Required by State Law appropriate flag exercises will be held at the beginning of each school day and at the opening of school assemblies. During those times, pupils so desire shall recite the following salute to our Flag: "I pledge allegiance to the Flag of the United States of America and to the republic for which it stands, one Nation under God, indivisible, with liberty and justice for all." Students not reciting the pledge shall maintain a respectful silence.

Staff Information

Communication: Always vital to the smooth operation of our school, we must all attempt to communicate as effectively as possible. There are several methods besides face to face available to us: Voice- mail, e-mail, staff mailboxes, and meetings.

E-Mail: Each staff member will receive an email address.

Staff Mailboxes: Located in the office, boxes with names indicated are available. Any telephone message and other non-urgent information will be placed here, along with incoming US mail.

Educational Workshops/Conferences: Staff who wish to attend educational workshops or conferences must fill out a request. Please provide the office with information on the method of payment required (Purchase Order or private funds.) Be sure to note the date on your monthly "Verification of Absence" forms. Forms available in the office.

Environmental Issues – Keep it clean: From depositing litter and recyclables in their proper place to minimizing the use of the copying machine we must all do our small part in caring for our surroundings. All students and staff share in this responsibility. We all set an example by the way we keep our rooms and conduct business. All rooms should be kept in a neat and orderly fashion, to ensure that all objects and furnishings may be easily cleaned, dusted, and vacuumed. Inform the custodian and administration about any damaged or safety issue in need of attention. Return unused supplies where you found them, so that others can find and use them.

Field Trips: Any departure from the school grounds is considered a field trip. These must receive pre-authorization from the building principal and scheduled through the office. Two-week notice to the office is a must. (10-work days)

Guest Speaker: Guest speakers enhance the educational program. Pre-approval by the principal is required. Please notify the office in advance of any guest speakers. A speaker scheduled for multiple engagements may need to complete a disclosure form.

Internet Access: Index has a T-1 line. Students may use the Internet under direct supervision in your classroom without permission from parents, however parents and students are required to sign a permission letter if students are to have free access.

Keys: Keys are to be checked in and out by the office staff yearly. Notify the office immediately if they have been misplaced or lost. Keys should never be given to students.

Loss and Thefts: Report all possibilities of theft to the office immediately. Restoration and/or disbursements are in most cases beyond our means, but we may be able to help with recovery.

Money and your Classroom: Never keep currency in your classroom.

Parent Communication and Consultations: Contact with parents is valuable; keeping a log of these calls is highly recommended. Parents will be given the opportunity to use voice mail, but often will ask to have written message. These will be placed in your staff mailbox as soon as possible. Please maintain and check your mailbox regularly. (Minimum – morning, lunch, and

prior to departure.) A copy of all general correspondence being sent home must be given to the office.

Parent/Teacher Conferences: Index schedules conferences in both fall and spring. The conferences are a valuable part of our communication with parents and guardians. Teachers will schedule their own conferences. Parent contact is required, but please encourage student participation as well. Submit a copy of your schedule to the office the Friday before conference week so parent questions can be answered as accurately as possible.

Purchase Orders / Building PO's: Should you need additional supplies or books during the school year you get administrative permission then fill out a purchase order form. Administrative signature is needed prior to a purchase order being issued. After you have the principal signature and completed form place it in the tray on Tracy's desk in the office.

Staff Attendance Information:

***Arrival/Departure:** Certificated staff is to report one-half hour before the start of their school day and stay one-half hour longer at the end of the student's day. Classified staff arrive and depart at their set yearly shift schedule. Pre-authorize all exceptions to your daily schedule through the building principal.

***Staff Tardy / Absence:** Follow the procedure on the bottom of the "phone tree" if you are going to be tardy or absent.

***Substitute Folder:** You are expected to have a sub folder with a generic plan on file in the office and a continuing lesson plan on your desk. Be sure to include the following, your current schedule and a period schedule, class lists, seating chart, and a lesson plan that can be taught by anyone. Upon your return a verification of absence form must be placed in the principal's box.

***Staff Forms:** All forms are available in the mailbox labeled forms in the office.

Students Before/After School: If for any reason a student is kept after school, the teacher must a.) notify the parent by telephone or the day before in writing. b.) be supervised by staff at all times: c.) remain with the student(s) until they have been picked up. Students should not be left to work in rooms, operate equipment, and or wait for rides unless directly supervised by a staff member.

Student Attendance Records: Staff is expected to keep accurate student attendance records, to including tardiness. Role will be taken first thing every morning. Attendance folders will be placed in the core teacher mailbox in the morning.

Student Grades: Certificated staff is responsible for keeping accurate assessment data on each student. Students who are failing a class must have documented parent contact to include a minimum of a four week notice in writing prior to the end of the grading period.

Student Textbooks: You are responsible for issuing and collecting textbooks for your students. Please number and account for each book.

Visitors and Volunteers: All visitors and volunteers must check in and out through the office. A badge may be given to each guest. Visitors who are of school age or are previous students are

asked to come either before or after school hours. Students wishing to bring a guest of school age will need pre-approval from the principal. A volunteer, who works with any student, must be pre-approved.

Liability and Staff Members: supervising students is one of our most important tasks. Listed are some issues all staff, as professionals should be aware of.

***You are responsible for supervising your classroom** and providing general supervision during passing periods in the general vicinity of your classroom (including hallways and assemblies). Even a student doing an errand or visiting the bathroom from your class is still your liability.

***Students should never be unsupervised.** If an emergency arises and it is necessary to leave the classroom, call the office and we will get someone to help you out. Notify a neighboring teacher so they will assist until another adult arrives.

***All staff is responsible for the supervision of All Index students.** If you see someone out of order, talk to him or her about it. As you move through the school, please do not walk past potential problems.

***Students should not operate (or transport) school equipment without supervision.** Many of our students are very responsible and trustworthy. Unfortunately, accidents are rarely planned, and part of any learning and growing process requires mistakes and corrections.

***Safety – start by being proactive.**

- *Advise all students about dangerous behavior and areas.

- * Advise all students about safety precautions and rules.

- *Report all hazards to the office immediately and document.

- *Offer only emergency first aid and call for the medical person ASAP.

Student and Staff Meal Prices

Regular Student Breakfast	\$2.00	
Regular Student Lunch	\$3.00	
Reduced Student Breakfast	\$.30	(must be preapproved)
Reduced Student Lunch	\$.40	(must be preapproved)
Free Student Breakfast		(must be preapproved)
Free Student Lunch		(must be preapproved)
Adult Breakfast	\$3.00	
Adult Lunch	\$4.00	
Milk	\$.75	

INDEX SCHOOL DISTRICT

Below will describe how to use or fill out the following forms:

*Employee Accident Report

*Salaried Employee Timesheet

*Classified Employee Timesheet

*Request for purchase

*Field Trip Information Sheet

*Evacuation Procedures (Earthquake & Fire)

1. Employee Accident Report – Please fill out in detail the accident that happened. Also, answer all questions and sign report.
2. All Index employees on payroll need to use timesheets. Salaried employees use timesheets for any additional time outside contracted hours. Be sure and give timesheet to Tracy to have the Superintendent sign before forwarding to MAK.
3. Classified Timesheet – This should be filled out by classified staff, hourly employees. Be sure and give timesheet to Tracy to have the Superintendent sign before forwarding to MAK.
4. Request for Purchase – If you're requesting any materials, no matter how large or small, a Request Form needs to be completed. Fill out your name, date, why the items are needed, list item, quantity, provider and cost. These requests, after completed, need to be placed on Tracy's desk for the Superintendent's approval. **You must have the Superintendent's Signature on every request before a Purchase Order, check, or credit card will be issued.**
5. Field Trip Information Sheets – Please fill out forms completely. Administrator needs to approve **before** authorization from Transportation. **Remember:** all requests need to be into Administration no less than 10 workdays prior to field trip.
6. Earthquake & Fire Procedures – Our School District will be involved with Yearly Earthquake Testing, coordinating with our Fire Department and local Department of Emergency Management. Those dates will notify you before testing begins. Fire Drills will be performed monthly, with no prior notification. Please remember to follow the rules and be safe.

Staff / Board Travel Guidelines

The Index School District encourages the staff and board to attend meetings, workshops, and conferences. When new information and skills are brought back into our school community we all benefit from the shared expertise.

Process: There is a sheet titled Request to Attend that can be filled out and given to the Superintendent. Or you can be asked to attend a meeting by the Superintendent or a Board member, or you can be attending a regularly scheduled meeting like Superintendent Meetings.

Once approved the office will arrange lodging, conference / workshop fees and other pre-arranged expenses.

Travel: If more than one person is traveling, it is strongly encouraged to travel together. If there is a need to travel separately, that travel plan must be preapproved, otherwise the individual will cover their travel cost.

Mileage will be reimbursed at a per mile rate of \$.67. To claim the mileage you must submit a Travel Expense Form. There is a space for “miles driven”. This is something you need to keep track of or a simple MAP Quest distance between two locations of travel will be used which is often less than the total mileage driven. (Travel Expense Forms are to be turned in to the office within four days of our return.)

Meals: Meals are reported on the travel expense report form. Receipts are required.

Meals not to exceed:

B for breakfast \$10.00, **L** for lunch \$12.00, and **D** for dinner \$20.00

Note: (Not covered are tips and other gratuities.)

Note: When a meal is provided at a conference, then the daily allowance is reduced by the meal provided. Example: Lunch provided at conference meal allowance = \$42.00 - \$12.00 for lunch or \$30.00.

Lodging: Will in most cases be pre-purchased and where needed a credit card may be given to reaffirm the lodging. It is key that the traveler attaches the lodging receipt to the travel expense form. (Movies, room service, or other personal lodging expenses are the responsibility of the employee.)

Credit card: If a credit card is needed for travel there are a few do's and don'ts.

The card may be used for

1. Hotel / motel stay
2. Registration fees
3. Pre-approved activities or entrance fees
4. Meals in some rare cases

All of the above items require receipts to be turned into the office within four days of your return.

Do not use credit cards for

1. Alcohol
2. Gas for private vehicle
3. Presents
4. Personal items

Incidentals: There are times where unforeseen or necessary expenses occur such as a cab ride, or extended stay due to illness, and ferry fares. Save the receipts and these may be reimbursed on a “case by case” basis. This includes educational materials books or other support materials bought on site.

TRAVEL EXPENSE REPORT FORM
INSTRUCTIONS

SUBMIT THIS FORM WITHIN TEN
DAYS OF CLOSE OF TRAVEL PERIOD
ATTACH ALL REQUIRED RECEIPTS

INDEX SCHOOL DISTRICT #63

PO Box 237
Index, WA 98256
Account Code: _____

Name and address of claimant: _____

Date	From	To	Depart Time	Return Time	Per Meal Entitlement B L D	Lodging Costs	Name of Lodging	Other	Miles Driven Private Auto	Grand Total	Purpose of Travel

Details of other expenses:

Claimants Certification

I hereby certify, under penalty of perjury, that this is a true and correct claim for necessary expenses incurred by me and that no payment has been received by me on the account there of.

Signature _____ Title _____ Date _____

Supervisor's Certification

I, the undersigned, do hereby certify under penalty of perjury, that the materials have been furnished, the services rendered or the labor performed as described herein, and that the claim is just, due and unpaid, obligation against Northwest ESD 189 and that I am authorized to authenticate and certify to said claim.

Signature _____ Title _____ Date _____

Has the Board approved this trip (yes / no)

Our Transportation director requires a count of bodies that will be riding on the bus for all field trips.

Also, how much money (if any) is required for parking the bus.

Class K - 3 count _____

Class 4 – 8 count _____

Adult count _____

Parking money needed is cash only \$ _____

Parking will accept credit card _____ (yes / no)

Was the parking cost included on a purchase order _____ (yes / no)

If yes, please provide the purchase order number _____

(Be sure to answer all questions on the attached form. Include the map and address of your trips destination.)

FIELD TRIP INFORMATION SHEET

TEACHER IN CHARGE: _____ DATE OF TRIP: _____

TEACHER'S SIGNATURE: _____

CHECKED FOR AVAILABLE TRANSPORTATION ON _____ WITH: _____

TRANSPORTATION DIRECTOR'S SIGNATURE: _____

ROUND TRIP MILEAGE _____ COST FOR BUS: _____ COST FOR DRIVER _____

DESTINATION NAME: _____

ADDRESS: _____ PHONE: _____

COST: _____ PAYMENT METHOD REQUESTED: _____

DEPARTURE TIME: _____ AM / PM DESTINATION ARRIVAL TIME: _____

CHOOSE ONE: STUDENTS WILL BE RETURNED TO SCHOOL BY REGULAR DISMISSAL

STUDENTS WILL BE RETURNED TO SCHOOL BY: _____ AM / PM

PARENT/GUARDIAN WILL PICK UP STUDENT AT SCHOOL: _____ AM / PM

THE PLAN FOR STUDENTS WHO DO NOT ATTEND FIELD TRIP: _____

ANY SPECIAL NEEDS THE STUDENTS SHOULD/COULD BRING: _____

IS THERE A CURRENT UNITY OF STUDY RELATING TO THIS TRIP? _____

WHAT CLASSROOM ACTIVITIES WILL PRECEDE THE TRIP? _____

WHAT CLASSROOM FOLLOW-UP ACTIVITIES WILL OCCUR AFTER THE TRIP?

SCHOOL ADMINISTRATOR: _____ DATE APPROVED: _____

INDEX SCHOOL DISTRICT #63
General Field Trip Permission Slip

I hereby request that you permit _____
Student Name

To participate in a school excursion to _____
_____ From _____
(Dates) (Time)

As parent and/or legal guardian of the above-named child, I promise to hold Index School District No. 63 harmless from any liabilities it may incur from the above-named minor in connection with the above-described excursion except as might arise from negligence on the part of Index School District #63 or its employees

Index school policy states that children not enrolled in the district cannot ride the bus. (This includes younger siblings).

The following special health problems should be noted: (e.g. unusually severe reaction to bee stings, other severe allergy, diabetes, hemophilia, etc.)

Medications? _____

Teacher's special instruction/clothing or equipment needed for this field trip.

Students need _____

In the event of an injury requiring medical attention, I hereby grant permission to the supervising teacher(s) or staff (including volunteers) to attend to my son/daughter. If the injury warrants further medical attention, I expect effort will be made to contact me to receive my specific authorization before action is taken. If efforts to contact me are unsuccessful, I grant permission for necessary medical treatment to be given. In addition, I hereby give my permission to the supervising teacher(s) or staff (including volunteers) to take my child to the physician, dentist, or to the hospital if an accident or serious illness occurs on the trip and I cannot be located.

Waiver

We recognize, however, that unanticipated situations and problems can arise on any trip, school-sponsored or otherwise, such situations or problems are not reasonably within the control of the supervising teacher(s) or staff (including volunteers). We further agree to release and hold harmless the Index Board of School Directors, its agents, officers, employees, and volunteers, from any and all liabilities, claims, suits, demands, judgements, costs, interest and expense, (including attorneys' fees and costs) arising from such activities, including any accident or injury to the student and the cost of medical services, or any cause beyond the control of Index School District, including, but not limited to, natural disasters, civil disturbances, acts of terrorism, and wars.

Parent/Guardian Phone #: _____

Emergency Name & Phone #: _____

Parent/Guardian Signature: _____

Note: By law, if your child(ren) qualifies for free or reduced lunch, our school district will offer a sack lunch for him and/or her. Please check the space below if you would like the school to order a lunch for your child at cost (if any) at the same rate as school lunches. If you pay for regular school lunches, the school would be glad to fix a sack lunch for your child also, as long as the student will pay or has pre-paid for that day. In order to have the school provide a sack lunch, return the complete form no later than _____.

_____ I would like school to provide a sack lunch

_____ I will provide a sack lunch and do not want to order a school-provided lunch

The estimated cost of this field trip is \$ _____ if you would like to make a donation.

INDEX ELEMENTARY SCHOOL

Emergency/Disaster

A. PURPOSE

The purpose of this plan is to identify emergency responsibilities for Index Elementary School and its staff. This plan is intended to empower staff members in an emergency and clarify emergency roles and response. It is not intended as a rigid or restrictive plan.

B. SCOPE

This plan provides a basic emergency response plan, recommended emergency response teams, site-specific hazard vulnerabilities, and staff emergency procedures.

This plan:

1. Applies to all staff members
2. Applies to all staff members tasked to provide response assistance in an emergency/disaster and describes actions to be taken in providing immediate response assistance.
3. Includes those actions and activities that support the school's effort to save lives, protect the health and safety of students and staff, and protect school property.

C. MISSION AND GOALS

1. The mission of Index Elementary School in an emergency/disaster is to:

- ... Protect lives and property
- ... Mitigate the effects of a disaster
- ... Prepare for emergencies and disaster
- ... Respond to emergencies
- ... Aid in recovery from disasters

2. The goals of Index Elementary School in a disaster are as follows:

- a. Provide an emergency response plan, services, and supplies for students, staff members and the facility.
- b. Coordinate the use of school personnel and resources within the school.
- c. Restore normal services.

D. Definitions

1. “Emergency” as used in this plan means a set of circumstances that demand immediate action to protect life preserve public health or essential services, or protect property. In an emergency, existing resources and capabilities are sufficient to cope with the situation.
2. “Disaster” is defined as any incident which results in multiple human casualties and/or disruption of essential public health services or any incident which requires an increased level of response beyond the routine operating procedures, including increased personnel, equipment, or supply requirements.
3. Local government jurisdictions or the Government as authorized by state or local statute may proclaim an emergency or disaster.

E. Planning Assumptions

The following assumptions are the basis of this plan:

1. An emergency, i.e. fire, gas main breakage, etc. could occur at any time without warning and the staff members of the school cannot, and should not, wait for directions from your local response agencies. Action is required immediately to save lives and protect school property.
2. An emergency or disaster, such as an earthquake or hazardous material incident, may occur with little or no warning with mass casualties, destruction of property and damage to the environment.
3. Local and state government may be overwhelmed by a disaster; Index Elementary School staff members could be on their own for the first 72 hours or longer after a disaster.
4. Government and relief agencies will concentrate their resources on the most critical and life-threatening problems. Assistance from the government and other agencies may supplement the school’s efforts but such assistance will take some time to request and deploy.
5. The first concern of Index Elementary School staff members will be for their students’ safety. All staff will be required to stay on duty until released by the incident commander.
6. A spirit of volunteerism among Index Elementary School staff members and other citizens will result in their providing assistance and support to emergency response efforts.

F. Limitations

It is the policy of the Index Elementary School that no guarantee is implied by this plan of a perfect response system. As personnel and resources may be overwhelmed, Index Elementary School can only endeavor to make every reasonable effort to respond based on the situation, resources and information available at the time.

**EMERGENCY PLAN OVERVIEW
ALARM OR VOICE COMMAND
FOLLOW DRILL PROCEDURES FOR EVACUATION**

(Drill only - all clear return to building)

Real emergency
Divide into teams

<u>INCIDENT COMMANDER</u>	<u>SEARCH & RESCUE</u>	<u>FIRST AID</u>	<u>STUDENT CARE</u>
Responsible for liaison, Public Information & Site Safety	Collect Needed Tools	Set up First Aid Stations 1 st Choice Gym 2 nd Choice Bus 3 rd Choice Sports Court	Keep Students Together
Assign duties / Hand out duty sheets	Be Safe and Calm Utility Check	Gather Supplies	Keep order
Set up command center	Fire Suppression Systematic Building Search	Triage Injured	Give Comfort
Contact Fire District & Report to D.E.M. when outside help is needed	Assess Building Damage, Use Documentation & Photos	For Serious Injury: A. Stabilize B. Get Trained Person	No Staff/Students will leave designated area without release from Incident Commander
Appoint Documentation Staff to Complete/Track: Contact log Building Damage Assessment Student / Staff Status Forms	Report to Command	For Minor Injury A. Render First Aid B. Return to Student Area	Keep Student/Staff Status Reports
Determine Proper Flag Status			Coordinate with IC to set up Shelter, Food, & Sanitary Facilities
		Report Status to Command	

EVACUATION PROCEDURE / FIRE

ALARM SOUNDS FIRE OR DRILL

Teacher directs students to form a single file line at door.

Teacher/aide closes doors / windows and turns off lights upon exiting classroom with grade book.

Teacher leads and aide follows line of students to designated area.

Music – Exit door to play field.

K – 3rd Classroom – Exit main door to play field.

4th – 8th Classroom – Exit through rear emergency exit to play field.

Students remain in single file and silent at all times.

Drill

Wait for verbal signal of all clear

Return to class when directed

Office Responsibilities

Call 911

Shut off propane in furnace room

Move to safe distance from building

Give directions to teachers if all clear to Return to school.

LOCKDOWN PROCEDURE

The purpose of the “lockdown” is to quickly secure all students and staff in a secure location inside the school building. Any staff member, based on their judgement of a clear and potential safety danger, may initiate the School Lockdown Plan. During this procedure, roles and responsibilities for staff and students are clearly defined below.

Steps to be followed during a Lockdown:

1. An announcement will be made and / or visual cue, if any students are on the playground outside activity. The intercom announcement will clearly state the situation. Directions will be provided if the lockdown is to be other than in the classroom. The announcement will be similar to the following.

“There is an intruder on campus, please initiate lockdown”

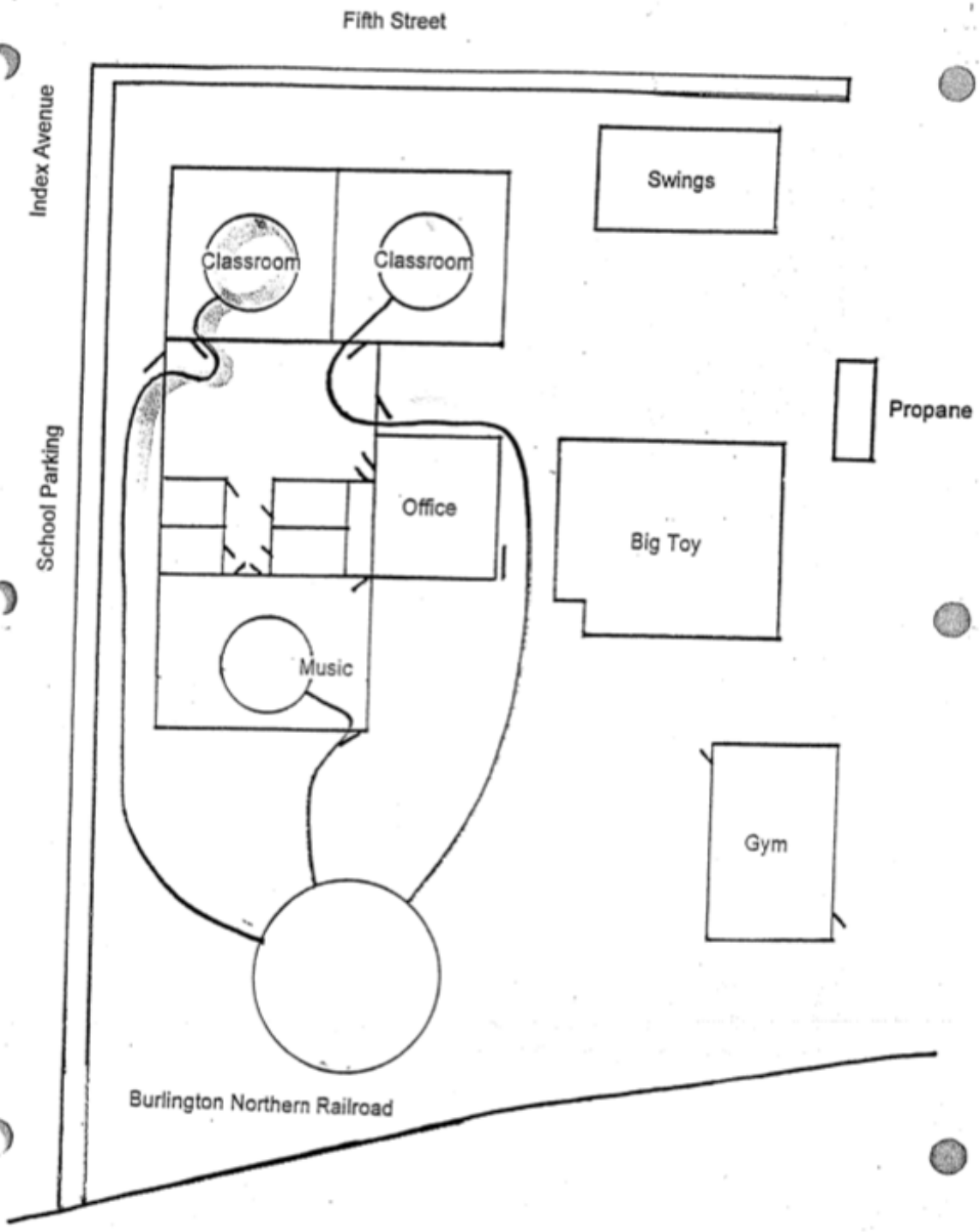
2. Once the message is given, teachers are to account for all students and the classroom door.
3. Teachers will remain with students in designated area until an all clear is given. This will clearly state the danger is past and the lockdown is over.

Roles of Staff in Classroom:

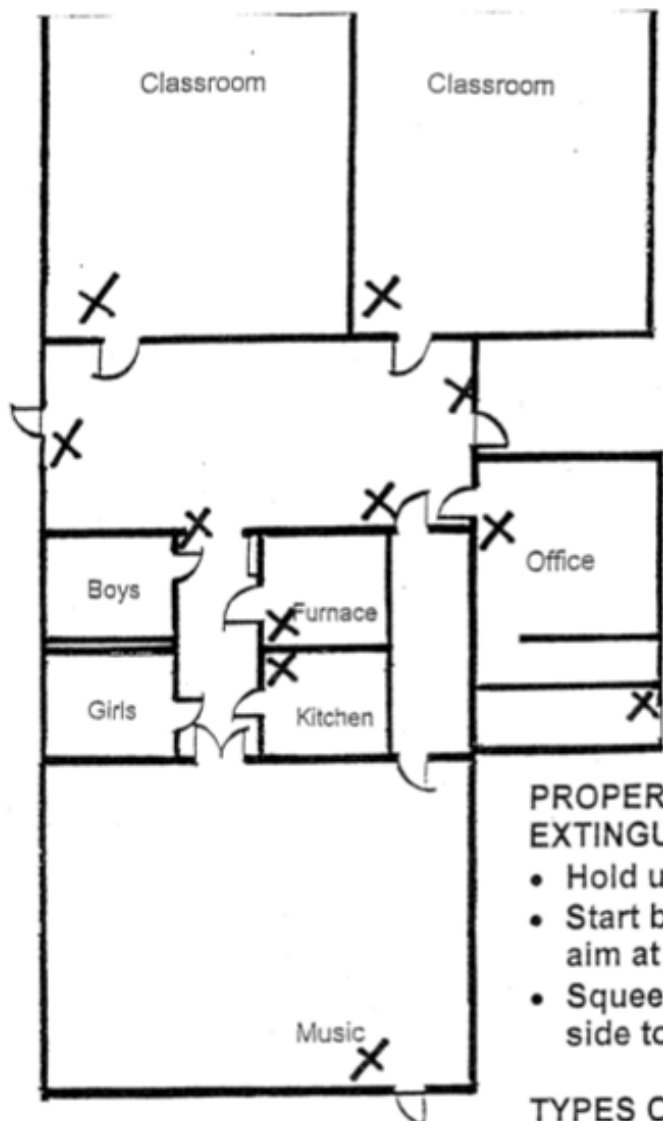
1. Scan and scoop any children/adults in hallway close to your classroom.
2. Secure the room and make sure all students are accounted for.
3. Close and lock windows, close blinds.
4. E-mail/phone the office immediately with student count – indicate clearly if student(s) are missing and any additional student(s)/adults in your classroom.
5. If there is an obvious danger present, use good judgement to move students away from danger (e.g. away from windows and doors if there is a safety concern.)
6. Stay off the phone. *Limit calls to necessary safety information.*

LOCKDOWN PROCEDURES

1. Maintain calm and order within the classroom. Keep students in your classroom.
2. Remain with your class at all times.
3. Lock classroom doors, if possible. Close windows and drop blinds.
4. Keep all students and staff away from windows.
5. Office personnel check restroom facilities for students and instruct them to return to their classroom.
6. Do not permit students to leave class for **any** reason.
7. Do not dismiss students until you receive official instructions from a school administrator, law enforcement, or fire department personnel.
8. The administration will decide if outside assistance is needed.
9. If you hear a sound like gunfire or firecrackers, have everyone lie on the floor.
10. If there is a student disruption, observe carefully and write down names and specific behaviors that you observe. Give the information to the administrator.
11. If instructed to leave the classroom with your students, listen to the exit instructions carefully and take your gradebook, seating chart, keys and purse, etc. with you.
12. Do not allow students to leave designated area.
13. Trust the administration and / or law enforcement and fire department personnel in charge.



BUILDING EVACUATION ROUTES



X Gymnasium extinguisher located at entrance door

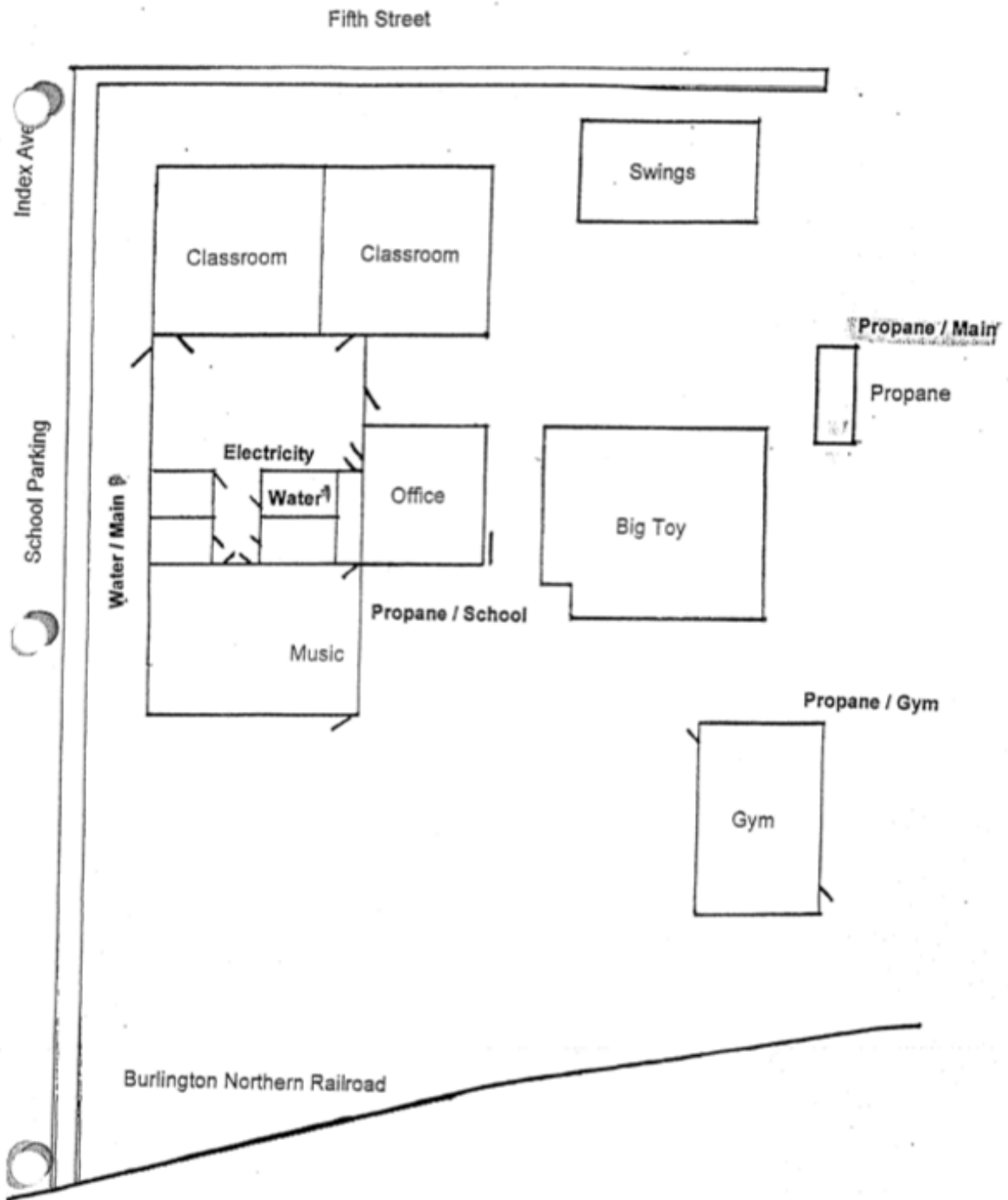
PROPER USE OF EXTINGUISHERS

- Hold upright and pull pin
- Start back 8 feet from fire and aim at base of fire
- Squeeze lever and sweep side to side

TYPES OF EXTINGUISHERS

- A = ordinary combustibles
Trash, wood, paper
- B = flammable liquids / grease
- C = electrical

FIRE EXTINGUISHER LOCATIONS



UTILITY SHUT OFFS

Contact Log

Date	Time	Name and Contact	Issue Discussed	Telephone Call	On Sight	Initials

EARTHQUAKE

DURING THE ACTUAL EARTHQUAKE

1. If indoors – stay indoors. Crawl under sturdy furniture and hold on to legs. If possible, move against an inside wall, without windows. Stay away from windows and glass.
2. If outdoors stay in the open. Keep away from buildings, trees and electrical wires. Do not run through or near buildings where debris could fall on you.
3. Do not use candles, matches or any open flame.

AFTER THE SHAKING

1. **Stay on campus**
2. Check for injuries. Do not attempt to move the seriously injured unless they are in immediate danger of further injury. Upon exit, mark with a permanent marker on door “_____ # injured”. (Call 911 for immediate assistance. Leave an adult with the injured if the building is evacuated.)
3. Take roll and make sure no one is missing.
4. In cooperation with the custodian, the Building Principal/designee will inspect the building for structural damage. If the building is weakened in any respect, dismiss classes one at a time carefully through exits judged safest. (Keep students calm and grouped together.)
5. Shut off all utilities. Notify Building Principal/designee of all electrical, gas, water leaks, etc. Stay out of building until utility officials indicate it is safe to return.
6. The Building Principal/designee will inform Superintendent’s office of present status.
Wait for instruction from building principal/designee.
7. **Stay out of damaged buildings** until it is determined that they are safe to reenter.
8. **Be prepared for after-shocks.** They usually occur within a short time of the initial shock.

EVACUATION PROCEDURE / EARTHQUAKE
VERBAL ALARM
EARTHQUAKE OR DRILL

TEACHER SHOUTS “DROP, COVER, HOLD WITH BACK TO WINDOWS!”

HOLD FOR AT LEAST 60 SECONDS OR UNTIL SHAKING STOPS.

TEACHER/AIDE CHECKS SELF FOR INJURY AND THEN SHOUTS “IS ANYONE HURT?”

TEACHER EVALUATES INJURIES – STUDENTS UNABLE TO WALK SHOULD BE PLACED ON A CHAIR AND CARRIED OUT.

IMPORTANT TO EVACUATE AS SOON AS SAFE EGRESS IS AVAILABLE.

TEACHER DIRECTS EVACUATION USING FIRE EVACUATION ROUTE – IF HAZARDS EXIST USE THE SAFEST ALTERNATE ROUTE.

TEACHER TAKES GRADE BOOK WHEN LEAVING BUILDING.

STUDENTS REMAIN IN SINGLE FILE AND SILENT AT ALL TIMES.

STUDENTS ASSEMBLE IN PLAYFIELD AREA AWAY FROM BUILDINGS, TREES, OVERHEAD WIRES AND POLES, OR DAMAGED RAILROAD TRACKS.

IF SHAKING STARTS, EVERYONE RESUMES DROP, COVER HOLD UNTIL SHAKING STOPS.

TEACHER COMPLETES STUDENT / STAFF STATUS FORMS.

DRILL

*WAIT FOR SHOUT OF ALL CLEAR.
WILL LEAVE

*RETURN TO CLASS.
COMMAND.

*REPLENISH KIT WITH FORMS
STAFF GATHER
AND RETURN ALL SUPPLIES

REAL

*NO STUDENT OR STAFF

SCHOOL GROUNDS UNLESS
RELEASED BY INCIDENT

*ALL STUDENTS AND
FOR INSTRUCTIONS.

VOLCANIC ERUPTION CAUSING ASH FALL ON SCHOOL

Advance warning of eruption and ash fall.

1. Building principal and superintendent communicate to decide whether to continue on regular school schedule or early dismissal.
2. Alert custodian so heating, cooling, and ventilation can be turned off. Keep electricity on.
3. Instruct staff and students to cover mouths and noses with handkerchiefs or some other article of clothing.
4. Follow district instructions for dismissal of school, if necessary.

If time does not permit dismissal:

1. INITIATE LOCKDOWN until fallout wanes.
2. Custodian is to shut off heating, cooling and ventilation systems.
3. Follow instructions for covering mouths and noses if this becomes necessary.
4. Advise staff to close windows and shut all doors.
5. Remain with students until danger is past or students are transported home.

HAZARDOUS MATERIALS PROCEDURE

1. Call 911
2. In the event of material incident or other threat, remain in school building until receiving other instructions from Fire District or Sno-County Hazardous Materials Response Team.
3. Alert students and staff.
4. Issue specific instructions to students and staff.
5. Close windows and doors. Turn off lights. Stay away from the windows and doors.
6. Turn off heating system blowers.
7. Duct tape doors and windows.
8. Provide protective breathing if necessary. (Shallow breaths through a wet towel).
9. When conditions have stabilized, an all clear will be issued by the Fire Department.
10. Instruct students and staff to go outdoors, air out school if appropriate.

BOMB THREAT

NO BOMB THREAT IS TO BE IGNORED!!

Treat every bomb threat as a potential danger to human life. **Check and document every threat.**

PRIOR PLANNING

1. Be certain school office personnel understand procedures to be followed. Keep ***Bomb Threat Checklist (next page) near telephone and ready for use.***
2. Middle school and high school students who answer phones **MUST** be trained by office personnel to know what questions to ask, in the event a staff person is not available. (***Use Bomb Threat Checklist***)

IN THE EVENT OF A THREAT:

1. Don't hand up the telephone. **Try to keep caller on the line and obtain as much information as possible. Use Bomb Threat Checklist** (see next page)
2. Office personnel advise Building Principal/designee **immediately.**
3. **Building Principal/designee IMMEDIATELY** phone the police - 911
4. Notify Board chair 793-7670
5. Building Principal/designee and law enforcement officers decide whether or not the building should be evacuated.
6. If building is evacuated, use normal fire drill procedures. **Do not announce that the evacuation is due to a bomb threat:** Every precaution should be taken to avoid any panic, which could bring injury to students.
7. Turn over scene to law enforcement/fire department for investigation.

IF A DEVICE IS FOUND:

1. **Do not touch the device in any way.**
2. **Evacuate and seal off the area.**
3. **Call the police – 911** indicate that a device has been found.
4. **Wait** for a trained squad to examine and dispose of the device.

DO NOT DISCUSS THE CALL WITH ANY OTHER PERSONNEL UNTIL YOU HAVE COMPLETED THIS FORM

1. NOTIFY YOUR BUILDING PRINCIPAL:
2. CALL 911 TO REPORT CALL:
3. COMPLETE BOMB THREAT CHECKLIST

Obtain as much detail as possible about the bomb and its location – legitimate callers usually wish to avoid injury or death. **Ask for more information to save lives.**

BOMB THREAT CHECKLIST

1. Time _____ Date _____ Location _____
2. Exact language used: _____
3. Voice characteristic (circle applicable ones);
____ Male ____ Female ____ Adult ____ Child ____ Estimate age
____ Slow ____ Rapid ____ Normal ____ Loud ____ Excited
____ Disguised. ____ Broken ____ Sincere ____ Accent
4. Background noise: _____
5. Where is the bomb? _____
6. Is there a time limit on the bomb? _____
7. What does the bomb look like? _____
8. What kind of explosive: _____
9. Person(s) notified: _____ Time: _____

10. Additional information: _____
11. Your Name _____
12. Your Phone: _____ Position: _____

ACCIDENTAL INJURY TO STUDENTS/STAFF/VISITORS

The first adult on the scene should take responsibility for seeing that these procedures are followed until the building administrator and/or school nurse are notified and arrive.

For an injured person(s):

First person on the scene:

1. Keep injured person quiet.
2. Check breathing and bleeding. (Direct someone to call 911 immediately for serious injury).
3. Immediately call for assistance from the Building Principal/designee, school nurse or staff member with current first aid card.

Building Principal/designee will:

1. If appropriate, call 911 for aid care.
2. Phone parent/guardian of student, supervisor and spouse/relative of employee or injured visitor.
3. Ensure all necessary forms complete (Listed below)

FOR DISASTER – RELATED INJURIES AFFECTING MULTIPLE PEOPLE:

1. Immediately phone aid car (911) if necessary. Be able to answer the following:
 - Number of people injured.
 - Number with minor injuries, who can be tended by first aid on site.
 - Number with serious injuries who will need on-site treatment beyond abilities of first aid trained personnel.
 - Number with serious injuries who will need transportation to hospital or emergency relief.
 - Number of employees on site with current first aid training.
2. Stay at scene and inform help as it arrives as to those needing treatment.
3. Assign employees trained in first aid to be available if needed by medical emergency specialists
4. Report to building principal/designee
5. Complete “follow-up” steps below

FORMS

Index School District has an incident report form that can be used for any of the above.

DANGEROUS WEAPONS ON SCHOOL PREMISES

It is a violation of district policy and state law for any person to carry a firearm or dangerous weapon on school premises, school-provided transportation or areas of other facilities being used exclusively for school activities.

Any student found to have any dangerous weapon (as defined by RCW 9A1.280) excluding a firearm in his/her possession on, in his/her desk or locker or on school premises shall be subject to appropriate discipline as outlined in board policy #3241.

PROCEDURES:

- 1. INITIATE LOCKDOWN**
2. Call 911
3. Secure the situation.
4. Contact the Building Principal/Designee
5. Building Principal or designee to contact Superintendent

**THE SUPERINTENDENT'S OFFICE IS THE ONLY SOURCE OF INFORMATION TO
THE PRESS**

HAZARDOUS MATERIAL SPILLS
THE PRIMARY DANGER IS TOXIC FUMES

CALL 911 FOR IMMEDIATE ASSISTANCE

IF OUTSIDE:

1. Move upwind.
2. Guide students away from spilled material.
3. If off campus, **Initiate Lockdown.**

(Custodians should monitor fresh air intake to ensure fumes are not being drawn into building.)

IF INSIDE AN EVACUATION BECOMES NECESSARY:

1. Evacuate the building using fire drill plan
2. Proceed to alternate site for your school.
3. Move upwind
4. Building principal/designee contact transportation if needed.

<p>THE SUPERINTENDENT’S OFFICE IS THE ONLY SOURCE OF INFORMATION TO THE PRESS</p>
--

INCLEMENT WEATHER / EMERGENCIES

Snow or other inclement weather (windstorms ice storms, etc.)

- » If inclement weather conditions occur during the night, an established district plan goes into effect to determine if school scheduling will be affected.
- » If school operation is affected, district administrators will be called early in the morning using the “phone tree.”
- » Television and radio stations will be notified by transportation staff utilizing KIRO 710 AM Radio. Also Tune to KIRO channel 7 TV Station.
- » If weather conditions worsen during the day, the Superintendent/designee will decide whether to dismiss early. Closures of this type are infrequent.
- » In case of windstorms, power outages or other conditions that make early release of children necessary, it is the standard practice of the Index School District that children will NOT be released until positive contact has been made with parents.

Other special conditions – (School heating fails to function properly, loss of power/light to individual schools; local flooding or damage to all or part of individual school; natural gas build-up, etc.)

911 EMERGENCY MEDICAL NOTIFICATION CHECKLIST

Reminder: In a medical emergency, do not move the person; keep him warm.

STUDENT _____ DATE _____

SCHOOL _____ TIME OF INCIDENT _____

INITIALS

TIME

- | | | |
|-------|-------|--|
| _____ | _____ | 1. Call 911 (note time) |
| _____ | _____ | 2. Notify building administrator |
| _____ | _____ | 3. Send additional staff person to assist at scene of injury (two staff members are to remain with injured student until aid unit arrives) |
| _____ | _____ | 4. Send necessary first aid supplies (blanket, gloves, first aid kit) |
| _____ | _____ | 5. Send emergency information (i.e., locator card, Medical Alert Update Sheet) to scene of injury |
| _____ | _____ | 6. Notify school nurse |
| _____ | _____ | 7. If necessary, obtain assistance from staff trained in CPR/emergency first aid (arrange for class coverage as needed) |
| _____ | _____ | 8. Designate individual to meet aid unit and direct to scene of injury |
| _____ | _____ | 9. Call parent (s) |
| _____ | _____ | 10. In case of traumatic amputation or the loss of teeth, locate and provide the affected part to EMT |
| _____ | _____ | 11. Note time of EMT arrival |
| _____ | _____ | 12. Note time of EMT departure |
| _____ | _____ | 13. Notify classroom teacher |
| _____ | _____ | 14. If necessary, provide for sibling needs |
| _____ | _____ | 15. Notify superintendent's office |
| _____ | _____ | 16. Attach checklist to a completed Incident Report |

Additional comments: _____

Contact for follow-up (person completing form)

Name: _____ Phone: _____

MEDICAL EMERGENCIES: WHEN TO CALL 911

Many times Pool staff are asked by district staff when they should call 911 for medical situations occurring at the schools. In response to this question, following are general guidelines for when a situation may become a medical emergency, however, this list is not all inclusive.

TRAUMA DEFINITION

A "trauma," as defined in *Schmidt's Attorneys' Dictionary of Medicine*, 1993, is:

1. An injury caused by mechanical violence, as a blow, twist, etc.
2. A wound caused by a physical agent, including heat, radiation, acids, etc.
3. A mental or emotional injury; psychological shock.
4. A neurosis resulting from an emotional strain.

IMPORTANT CONSIDERATIONS

- There are two important points to keep in mind when deciding to call 911 in a medical emergency:
 - * Don't wait for the parent's permission before you call 911; if it truly is a medical emergency, call for an aide car immediately.
 - * When in doubt, call 911. Err on the side of caution when student health is involved.

WHEN TO CALL 911

Call for an aide car when a student suffers:

- * a head injury, with loss of consciousness or other symptoms of concussion (symptoms may not be exhibited immediately)
- * a neck and/or back injury with suspected spinal cord damage
- * prolonged (over 3 minutes) loss of consciousness
- * a traumatic injury
- * trauma-related seizures
- * a severe allergic reaction
- * an amputation
- * paralysis of any type
- * convulsions
- * a suspected drug overdose
- * profuse bleeding
- * or when a student is in shock.

Note: This article assumes that anyone using this list has had some medical training, e.g., is first aid qualified. The symptoms of concussion and of shock are not listed in this article.

POOL COVERAGE

The Pool offers premises medical payments (a part of the Pool's liability coverage), which pays expenses for emergency medical care directed by the school and resulting from an accident (up to \$2,000). Of course, situations vary, and each claim is handled individually.

KEEP TRACK OF THE 911 CALL

For a simple-to-use notification form when 911 is called, see the "911 Emergency Medical Notification Checklist" in the September 1993 *Pool Cues* or call the Pool for a copy.

ASSAULT/PHYSICAL VIOLENCE

If a serious assault occurs at school or nearby, school personnel should:

1. Render first aid to victim
2. Notify building administrator/designee
3. Building administrator calls 911 (request medical aid if necessary)
4. Notify parent/guardian or emergency contact person
5. Primary witnesses need to be sequestered to complete all related data in writing on Incident Report.
6. Obtain as much information as possible regarding the assailant and incident (including location of attack, color of assailant's clothing and witnesses)
7. Principal or non-incident involved office staff will accompany victim, if necessary.
8. Remember confidentiality of the victim.

THE SUPERINTENDENT'S OFFICE IS THE ONLY SOURCE OF INFORMATION TO THE PRESS.
--

EVACUATION PROCEDURE / FIRE

ALARM SOUNDS FIRE OR DRILL

Teacher directs student to form a single file line at door.

Teacher/aide closes doors / windows and turns off lights upon exiting classroom with grade book.

Teacher leads and aide follows line of students to designated area.

Music – Exit door to play field

K-1 – 3rd Classroom / Main Hallway Classroom – Exit main door to playfield

4th – 8th Classroom – Exit through rear emergency exit to playfield

Students remain in single file and silent at all times.

Drill

Wait for verbal signal of
All clear.

Return to class when directed.

Office Responsibilities

Call 911

Shut off propane in
furnace room.

Move to safe distance
from building.

Give directions to
teachers if all clear to
return to school.

Index School District 2025-2026 School Calendar

August 2025							September 2025 (20)							October 2025 (23)						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
					1	2		1	2	3	4	5	6			1	2	3	4	
3	4	5	6	7	8	9	7	8	9	10	11	12	13	5	6	7	8	9	10	11
10	11	12	13	14	15	16	14	15	16	17	18	19	20	12	13	14	15	16	17	18
17	18	19	20	21	22	23	21	22	23	24	25	26	27	19	20	21	22	23	24	25
24	25	26	27	28	29	30	28	29	30					26	27	28	29	30	31	
31																				

November 2025 (16)							December 2025 (15)							January 2026 (19)						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
						1		1	2	3	4	5	6				1	2	3	
2	3	4	5	6	7	8	7	8	9	10	11	12	13	4	5	6	7	8	9	10
9	10	11	12	13	14	15	14	15	16	17	18	19	20	11	12	13	14	15	16	17
16	17	18	19	20	21	22	21	22	23	24	25	26	27	18	19	20	21	22	23	24
23	24	25	26	27	28	29	28	29	30	31				25	26	27	28	29	30	31
30																				

February 2026 (18)							March 2026 (22)							April 2026 (17)						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7	1	2	3	4	5	6	7				1	2	3	4
8	9	10	11	12	13	14	8	9	10	11	12	13	14	5	6	7	8	9	10	11
15	16	17	18	19	20	21	15	16	17	18	19	20	21	12	13	14	15	16	17	18
22	23	24	25	26	27	28	22	23	24	25	26	27	28	19	20	21	22	23	24	25
							29	30	31					26	27	28	29	30		

May 2026 (20)							June 2026 (10)							July 2026						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
					1	2		1	2	3	4	5	6				1	2	3	4
3	4	5	6	7	8	9	7	8	9	10	11	12	13	5	6	7	8	9	10	11
10	11	12	13	14	15	16	14	15	16	17	18	19	20	12	13	14	15	16	17	18
17	18	19	20	21	22	23	21	22	23	24	25	26	27	19	20	21	22	23	24	25
24	25	26	27	28	29	30	28	29	30					26	27	28	29	30	31	
31																				

Important Dates			
Aug 25, 26	Teachers In-Service	Apr. 6-10	Spring Break
Sept. 1	Labor Day	May 22	Early Release @ 11:30
Sept. 3	1st Day of School	May 25	Memorial Day Observed
Sept. 18	Open House	Jun. 2	Spring Concert
Oct. 16	Great Shake Out	Jun. 11	Field Day
Nov. 10	Early Release @ 11:30	Jun. 12	Last Day of School
Nov. 11	Veteran's Day Observed	Jun. 19	Juneteenth Holiday
Nov. 25	Early Release @ 11:30	Jun.15-18	Potential Snow Makeup Days
Nov 26,27,28	Thanksgiving Break		
Dec. 3, 4, 5	Conferences (release @ 11:30 am)	Dates in RED	Board meetings
Dec. 9	Winter Concert	<i>End of Trimesters -</i>	
Dec. 19	Early Release @ 11:30	Dec. 1, March 12, & June 12	
Dec 22-Jan 2	Winter Break	<i>Progress Grading Periods -</i>	
Jan. 1	New Year's Day	Oct. 24, Feb. 2, & May 8	
Jan. 5	1st Day Back from Break		
Jan. 16	Early Release @ 11:30	*Notices*	Contact school for specific
Jan. 19	Martin Luther King Day Jr.		parent/teacher conference
Feb. 12	Early Release @ 11:30		schedules. The calendar
Feb. 13	Mid Winter Break		is subject to change. The
Feb. 16	President's Day		school year may be extended
Mar. 18,19,20	Conferences		further due to inclement weather
Apr. 3	Early Release @ 11:30		

1st Day of School
1st Day of School after winter break
Last Day of School (1/2 day)
Awards & Field Day
Conferences
Early Dismissals @ 1:30 p.m.
Early Releases @ 11:30 am
Holidays, No School
Open House & Concerts
Teacher In-Service
Potential Snow
Makeup Days
Great Shake Out
End of Trimesters - Dec. 1 March 12, & June 12
Progress Grading Periods Oct. 24, Feb. 2, & May 8

(Updated Sept. 24, 2025)

PHONE TREE - 25/26

SCHOOL BOARD	PHONE	TEACHERS	PHONE	SUPPORT STAFF	PHONE
CALEB CARRINGTON	817-721-5151	RACHEL NEWBOLD	360-348-2413	GERALD GRUBBS	360-972-6232
calebacarrington@gmail.com		mnewbold@index.k12.wa.us		ggrubbb@index.k12.wa.us	
ccarrington@index.k12.wa.us		15015 206th Ave SE, Renton 98059		3420 Cody Fern Loop NW, Olympia	
PO Box 284 / 215 Index Ave					
KATHY CORSON	425-346-3315	CANDIS MCDUGALL	253-241-4498	CONNIE FEHRENBACH	425-903-1486
kathy@outdooradventurecenter.com	360-793-1705	cmcdougall@index.k12.wa.us		cfehrenbach@index.k12.wa.us	
kcorsor@index.k12.wa.us		40213 May Creek Rd, Gold Bar		PO Box 866, Gold Bar	
PO Box 82, Index					
CHELSEA ESTEP-ARMSTRONG	541-647-3384	TRINITY MANN-BEAM	425-345-1516	TRACY HALE	425-777-0569
chelseaeesteparmstrong@gmail.com		tmann-beam@index.k12.wa.us		thale@index.k12.wa.us	
cesteparmstrong@index.k12.wa.us		PO Box 95, Sultan, WA. 98294		17032 Trombley Rd, Snohomish 98290	
PO Box 852, Index					
STAMATT ANAGNOSTOU	360-296-9856	COLLEEN FADDEN	425-231-8803	KIMBERLY EUAS,	206-214-6217
stam.anagnostou@gmail.com		cfadden@index.k12.wa.us		kellias@index.k12.wa.us	
sanagnostou@index.k12.wa.us		TAYLOR FADDEN		52526 Deep Woods Rd, Index	
618 Index Ave, Index, WA		tfadden@index.k12.wa.us			
		PO Box 799, Gold Bar			
BROOKE FOX	206-291-4373	BARBARA LYNNE KELLY RN	360-793-2755	INDEX SCHOOL DISTRICT #63	
brokefoxfx4@gmail.com		lkellym@index.k12.wa.us	425-894-8197	436 Index Ave.	
bfox@index.k12.wa.us		PO Box 867, Gold Bar		PO Box 237	
51802 Jasper Lane, Index				Index, WA 98256	
				Fax - 360-793-2835	
				Office - 360-793-1330	
KARA MOORE	360-299-4720			Visit Us At: http://www.index.k12.wa.us	
NWESD189	360-299-4070 fax				

If you get a school related call, call the person listed below you and let them know all the information you have been given.

If your call is not completed, move on to the next name below you until you reach a person or the end of the column.

Assume all numbers are unlisted and do not give them out. In poor weather, be extra careful...you are important to us. If you are unable to make the commute or are ill, call the office

Sexual Harassment of Students Prohibited

The district is committed to a positive and productive education free from discrimination, including sexual harassment. This commitment extends to all students involved in academic, educational, extracurricular, athletic, and other programs or activities of the school, whether that program or activity is in a school facility, on school transportation or at a class or school training held elsewhere.

Definitions

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

The term "sexual harassment" may include:

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

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

Investigation and Response

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

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

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

Retaliation and False Allegations

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

It is a violation of this policy to knowingly report false allegations of sexual harassment. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline.

Staff Responsibilities

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

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

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

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

Notice and Training

The superintendent will develop procedures to provide age-appropriate information and education to district staff, students, parents and volunteers regarding this policy and the recognition and prevention of sexual harassment. At a minimum sexual harassment recognition and prevention and the elements of this policy will be included in staff, student, and regular volunteer orientation. This policy and the procedure, which includes the complaint process, will be posted in each district building in a place available to staff, students, parents, volunteers, and visitors. Information about the policy and procedure will

be clearly stated and conspicuously posted throughout each school building, provided to each employee and reproduced in each student, staff, volunteer, and parent handbook. Such notices will identify the District's Title IX coordinator and provide contact information, including the coordinator's email address.

Policy Review

The superintendent will make an annual report to the board reviewing the use and efficacy of this policy and related procedures. Recommendations for changes to this policy, if applicable, will be included in the report. The superintendent is encouraged to involve staff, students, volunteers, and parents in the review process.

Procedure - Sexual Harassment of Students Prohibited

Procedure Sexual Harassment of Students Prohibited

The 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 school 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.

Title IX Coordinator, Investigator, and Decision-maker

The district will designate and authorize one employee to act as "Title IX Coordinator" to coordinate the district's state and federal sex discrimination and sexual harassment regulation compliance efforts. The decision-maker who reaches the final determination of responsibility for alleged Title IX sexual harassment will be the Superintendent or designee. The decision-maker cannot be the same person who serves as the Title IX Coordinator or the investigator of the Title IX complaint.

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

Any individual designated as Title IX Coordinator, an investigator, or decision-maker, and any person who facilitates an informal resolution process must not have a conflict of interest or bias for or against the individual(s) who made the complaint ("complainant(s)") or the individual(s) reported to be the perpetrator of the conduct that could constitute sexual harassment ("respondent(s)" in general or individually, and must receive training on the following:

- The definition of sexual harassment under Title IX and state law;
- The scope of the district's education program or activity;
- How to conduct an investigation and grievance process and informal resolution process;
- How to serve impartially;
- Their responsibilities chapter WAC 392-190 WAC; and

- How to raise awareness of and eliminate bias based on sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal.

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

District decision-makers must also receive training on any technology to be used during hearings if the district provides for a hearing, and on issues of relevance of questions and evidence, including the requirement that questions and evidence about a complainant's sexual predisposition or prior sexual conduct are not relevant unless 1) such questions and evidence is offered to prove that someone other than the respondent committed the alleged conduct or 2) questions and evidence concerning specific incidents of the complainant's prior sexual behavior with respect to the respondent is offered to prove consent..

Any training materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process must not rely on sex stereotypes and must promote impartial investigations and adjudications of complaints. The district shall maintain for a period of seven years records of any informal resolution and the result; and all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, and make such materials available on the district's website .

Notice of Sexual Harassment Policy and Procedure

- Information about the district's sexual harassment policy and complaint procedure will be easily understandable and conspicuously posted throughout each school building, be reproduced in each student, staff, volunteer and parent handbook. This notice will be provided in a language that each parent and guardian can understand.
- In addition to the posting and reproduction of this procedure and Policy 3205, the district will provide annual notice to employees that complaints pursuant to this procedure may be filed at *insert address of district administrative office*.

Responding to Notice of Sexual Harassment

The district is on notice and required to take action when any employee knows, or in the exercise of reasonable care should know, about possible sexual harassment. This includes informal and formal reports made to any staff member.

Upon notice of possible sexual harassment, staff will always notify the Title IX Coordinator. In addition, in the event of an alleged sexual assault, the school principal will immediately inform law enforcement and notify the targeted student(s) and their parents/guardians of their right to file a criminal complaint and a sexual harassment complaint simultaneously.

Once the district is on notice of possible sexual harassment, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. Additionally, staff will also inform an appropriate supervisor or professional staff member when they receive complaints of sexual harassment, especially when the complaint is beyond their training to resolve or alleges serious misconduct.

Supportive measures must be offered to the complainant, before or after the filing of a formal complaint, or where no formal complaint has been filed. Supportive measures may also be provided to the respondent. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or respondent. Supportive measures should be designed to restore or preserve access to the District's education program or activity without unreasonably burdening the other party.

Supportive measures may include:

- An opportunity for the complainant to explain to the alleged harasser that his or her 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;
- Modifications of work or class schedules;
- Mutual restrictions on contact between the parties;
- Increased security and monitoring of certain areas of the campus or school building, or
- Providing staff and/or student training.

In response to notice of sexual harassment, the district will take prompt and appropriate action to investigate and take prompt and effective steps reasonably calculated to end harassment, eliminate the hostile environment, prevent its recurrence, and as appropriate, remedy its effects

The district 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.

A complainant may file a formal complaint at any time while receiving supportive measures. A complainant, their parent or guardian, or the Title IX Coordinator may file a formal complaint because, for example, they feel the complaint needs to be more thoroughly investigated or discipline may be warranted for individual alleged to have engaged in sexually harassing conduct.

Confidentiality

- The district will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the district to provide the supportive measures.
- If a complainant requests that his or her name not be revealed to the alleged perpetrator or asks that the district not investigate or seek action against the alleged perpetrator, the request will be forwarded to the Title IX Coordinator, Gerry Grubbs/Superintendent.
- The Title IX Coordinator 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 perpetrator.
- If the complainant still requests that his or her name not be disclosed to the alleged perpetrator or that the district not investigate or seek action against the alleged perpetrator, 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 his or her 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 and state law prohibit 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.

Formal Complaint Process

Level One – Complaint to District

Anyone may initiate a formal complaint of sexual harassment, even if the informal complaint process is being utilized.

Filing of Complaint

- All formal complaints will be in writing and will set forth the specific acts, conditions or circumstances alleged to have occurred and to constitute sexual harassment. The Title IX Coordinator may draft the complaint based on the report of the complainant for the complainant to review and approve. The Title IX Coordinator may also conclude that the district needs to conduct an investigation based on information in his or her possession, regardless of the complainant's interest in filing a formal complaint.
- The time period for filing a complaint is one year from the date of the occurrence that is the subject matter of the complaint. However, a complaint filing deadline may not be imposed if the complainant was prevented from filing due to: 1) Specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint; or 2) Withholding of information that the district was required to provide under WAC 392-190-065 or WAC 392-190-005.
- Complaints may be submitted by mail, fax, e-mail or hand-delivery to the district Title IX Coordinator. Any district employee who receives a complaint that meets these criteria will promptly notify the Coordinator.

Determining Whether to Incorporate Additional Title IX Complaint Procedures

The Title IX Coordinator will assess whether a formal complaint of sexual harassment meets the criteria for a Title IX complaint. If so, the district will implement investigation and response procedures under state law, as well as the following additional procedures as required by Title IX regulations.

Under Title IX, the term "sexual harassment" means:

- an employee of the district conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
- conduct that creates a "hostile environment," meaning unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the education program or activity; or
- "sexual assault," as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

The district will implement additional Title IX procedures in response to a sexual harassment complaint when the alleged conduct constitutes sexual harassment as defined by Title IX regulations, and:

- The written complaint is filed by the complainant of the alleged sexual harassment, by the complainant's legal guardian, or by the Title IX Coordinator;
- The complaint requests that the district investigate the allegation(s) of sexual harassment, as defined under Title IX regulations;
- The complaint is against a named respondent who, at the time of the alleged harassment, was under the control of the school district (such as a student, employee, or volunteer);
- The alleged sexually harassing conduct occurred in the United States; and
- The complainant is participating in or attempting to participate in the district's educational program or activity at the time.

If the formal complaint is determined to meet the criteria for a Title IX complaint, the district will conduct the investigation implementing the additional Title IX procedures. **Skip to *Standard Complaint Process with Additional Title IX Requirements.***

If the formal complaint is determined not to meet the criteria for a Title IX complaint, the district will conduct the investigation without implementing the additional Title IX procedures. **Continue to *Standard Complaint Process.***

STANDARD COMPLAINT PROCESS

Acknowledging a Complaint - *Standard Complaint Process*

- Upon receipt of a complaint, the Coordinator will provide the complainant a copy of this procedure in a language the complainant can understand.

Investigating a Formal Complaint - *Standard Complaint Process*

- Investigations will be carried out in a manner that is prompt, thorough, reliable, and impartial. During the investigation process, the complainant and respondent(s), if the complainant has identified an accused harasser(s), will have an equal opportunity to present witnesses and relevant evidence. Complainants, respondents, and witnesses may have a trusted adult with them during any district-initiated investigatory activities. The school district and complainant may also agree to resolve the complaint in lieu of an investigation.
- When the investigation is completed, the investigator will compile a full written report of the complaint and the results of the investigation.

Mediation - *Standard Complaint Process*

At any time during the complaint procedure set forth in WAC 392-190-065 through 392-190-075, a district may, at its own expense, offer mediation. The complainant and the district may agree to extend the complaint process deadlines in order to pursue mediation.

The purpose of mediation is to provide both the complainant and the district an opportunity to resolve disputes and reach a mutually acceptable agreement through the use of an impartial mediator. Mediation must be voluntary and requires the mutual agreement of both parties. It may be terminated by either party at any time during the mediation process. It may not be used to deny or delay a complainant's right to utilize the complaint procedures.

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

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

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

Superintendent's Response to a Formal Complaint - *Standard Complaint Process*

- The superintendent or their designee will respond in writing to the complainant and the respondent within thirty (30) calendar days of receipt of the complaint, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, the district will notify the parties in writing of the reason for the extension and the anticipated response date. At the time the district responds to the complainant, the district must send a copy of the response to the office of the superintendent of public instruction.
- The response of the superintendent or designee will include: 1) a summary of the results of the investigation; 2) a statement as to whether a preponderance of the evidence establishes that the complainant was sexually harassed; 3) if sexual harassment is found to have occurred, the corrective measures the district deems necessary, including assurance that the district will take steps to prevent recurrence and remedy its effects on the complainant and others, if appropriate; 4) notice of the complainant's right to appeal to the school board and the necessary filing information; and 5) any corrective measures the district will take, remedies for the complainant (e.g., sources of counseling, advocacy and academic support), and notice of potential sanctions for the perpetrator(s) (e.g., discipline).
- The superintendent's or designee's response will be provided in a language the complainant can understand and may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964. If the complaint alleges discriminatory harassment by a named respondent or respondent(s), the coordinator will provide the respondent(s) with notice of the outcome of the investigation and notice of their right to appeal any discipline or corrective action imposed by the district.
- Any corrective measures deemed necessary will be instituted as quickly as possible, but in no event more than thirty (30) days after the superintendent's mailing of a written response, unless the accused is appealing the imposition of discipline and the district is barred by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded. Staff may also pursue complaints through the appropriate collective bargaining agreement process or anti-discrimination policy.
- 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.

Resume "*Standard Complaint Process*" at Level Two - Appeal to Board of Directors.

STANDARD COMPLAINT PROCESS WITH ADDITIONAL TITLE IX REQUIREMENTS

The following sections outline the process the district will take to respond to complaints of sexual harassment under state law and Title IX.

Acknowledging a Formal Title IX Complaint

The Title IX Coordinator will receive and investigate all formal, written complaints of sexual harassment or information in the coordinator's possession that they believe requires further investigation. The Coordinator will delegate his or her authority to participate in this process if such action is necessary to avoid any potential conflicts of interest. Upon receipt of a complaint, the Coordinator will offer supportive measures to both parties.

The district will acknowledge receipt of the formal complaint by providing the following written notice to the respondent(s) and complainant:

- A copy of the school's discrimination complaint procedure in a language the parties can understand.
- Notice of the allegations of sexual harassment with sufficient time for the parties to prepare a response before any initial interview and with sufficient detail. Such sufficient detail includes the identities of the parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known.
- Notice that the parties may have an advisor of their choice who may be an attorney or non-attorney, and who may inspect and review evidence of the alleged sexual harassment.
- Notice that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility for alleged sexual harassment is made at the conclusion of the grievance process.
- Notice of any provision in student conduct policies and procedures that prohibits false statements or submitting false information.

Investigation of a Title IX Formal Complaint

The district must investigate allegations contained in a formal complaint. If the conduct alleged would not constitute sexual harassment under Title IX regulations even if proved, did not occur in the district's education program or activity, or did not occur against a person in the United States, then the district must dismiss the formal complaint under Title IX. Such dismissal does not preclude action under another provision of district policy or procedure or under sexual harassment investigation procedures as required by state law (See Standard Complaint Process).

The district adopts preponderance of the evidence/clear and convincing evidence as the standard or proof it will use in reaching decisions regarding complaints.

The district's investigation of a Title IX complaint must:

- Include a prompt and thorough investigation into the allegations in the complaint.
- Ensure that the district bears the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility for the alleged sexual harassment. The district may not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting or assisting in their professional capacity and made and maintained in connection with the provision of treatment to the party unless the district obtains the party's voluntary, written consent to do so.
- Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
- Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be an attorney or non-attorney. The district will apply any restrictions regarding the extent to which an advisor may participate equally to both parties;

- Provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all hearings, interviews, or other meetings, with sufficient time for the parties to prepare to participate;
- Prior to the completion of an investigative report, provide an equal opportunity for the parties to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. This includes evidence that the district does not intend to rely on in reaching a determination of responsibility for the alleged sexual harassment, regardless of the source of the evidence. The parties will have at least ten (10) days to submit a written response for the investigator to consider prior to completion of the investigative report.
- At least ten (10) days prior to a determination regarding responsibility, create an investigative report that fairly summarizes relevant evidence, and send the investigative report in an electronic or hard copy format to each party and each party's advisor for their review and written response.
- After transmitting the investigative report to the parties, but before reaching a final determination regarding responsibility, the decision maker must give each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant unless they are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or unless they concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant.

The district's Title IX investigative and grievance process is not required to include investigative hearings.

Discipline and Emergency Removals for Alleged Sexual Harassment under Title IX

A respondent who is accused of sexual harassment under Title IX is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. The district may not impose any disciplinary sanctions, or other actions that are not supportive measures, against the respondent until the district has determined the respondent was responsible for the sexual harassment at the conclusion of the grievance process.

These additional Title IX sexual harassment procedures do not preclude a school district from removing a student from school on an emergency basis consistent with Policy and Procedure 3241 – Student Discipline and the associated student discipline regulations for emergency expulsion.

Title IX Informal Resolution Process

At any time prior to a determination in a formal Title IX complaint, the district may permit a complainant to waive the formal complaint grievance process in favor of an informal resolution process not involving a full investigation and adjudication, provided that the district obtains the parties' voluntary, written consent; the district does not offer informal resolution of sexual harassment allegations against a respondent who is an employee of the district, the district provide reasonably prompt time frames for the informal resolution process; and the district provides the parties with written notice disclosing the allegations, the requirements for the informal resolution process, and the circumstances in which the parties would be precluded from continuing with a formal resolution process for the same allegations.

A party has the right to withdraw from the informal resolution process and resume the formal Title IX grievance process at any time prior to agreeing to a resolution. The district may not require the waiver of the right to an investigation and adjudication of formal complaints of sexual harassment under Title IX as a condition of enrollment, employment, or enjoyment of any other right, nor may the district require the parties to participate in an informal resolution process. The district will not offer an information resolution process unless a formal complaint is filed.

Superintendent's Response to a Formal Title IX Complaint

At the conclusion of the investigation, the decision-maker (superintendent or designee) must issue a written determination of responsibility regarding the alleged sexual harassment within thirty (30) calendar days of receipt of the complaint, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, the district will notify the parties in writing of the reason for the extension and the anticipated response date.

The superintendent's written determination must be issued to the parties simultaneously and must include the following:

- Identification of the allegations potentially constituting sexual harassment under Title IX regulations;
- A description of the procedural steps taken from the time of the district's receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings supporting the determination;
- A summary of the results of the investigation;
- Conclusions regarding the application of the district's code of conduct policies to the facts;
- A statement as to whether a preponderance of the evidence establishes that the complainant was sexually harassed;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary or other sanctions imposed on the respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the complainant; and
- If sexual harassment is found to have occurred, the corrective measures the district deems necessary, including assurance that the district will take steps to prevent recurrence and remedy its effects on the complainant and others, if appropriate; and
- Notice of the parties' right to appeal to the school board and the necessary filing information.

The superintendent's or designee's response will be provided in a language the complainant can understand and may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964.

At the time the district responds to the parties, the district must send a copy of the response to the office of the superintendent of public instruction.

Any corrective measures deemed necessary will be instituted as quickly as possible, but in no event more than thirty (30) days after the superintendent's mailing of a written response, unless the accused is appealing the imposition of discipline and the district is barred by due process considerations or a lawful order from imposing the discipline until

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

Continue "State Complaint Process with Additional Title IX Requirements" at Level Two - Appeal to Board of Directors.

Level Two - Appeal to Board of Directors

Notice of Appeal and Hearing

- If the complainant or respondent(s) with the superintendent's or designee's written decision, the disagreeing party may appeal the decision to the district board of directors, by filing a written notice of appeal with the secretary of the board within ten (10) calendar days following the date upon which the complainant received the response.
- If the complaint involves a named respondent, the District will implement appeal procedures equally for both parties and provide written notice to the other party when an appeal is filed.
- The district will ensure that the decision-maker for the appeal is not the same decision-maker who reached the determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator;
- The district will ensure that the decision-maker for the appeal has received the training required for decision-makers as required by this procedure.
- The board will schedule a hearing to commence by the twentieth (20th) calendar day following the filing of the written notice of appeal, unless otherwise agreed to by the complainant and the superintendent or for good cause.
- Both parties will be allowed a reasonable, equal opportunity to submit a written statement in support of or challenging the outcome of the initial determination.

Board Decision

- Unless otherwise agreed to by the complainant, the board will render a written decision within thirty (30) calendar days following the filing of the notice of appeal and provide the complainant with a copy of the decision.
- The written decision will describe the result of the appeal and the rationale for the result.
- The decision will include notice of the complainant's right to appeal to the Superintendent of Public Instruction and will identify where and to whom the appeal must be filed. The district will send a copy of the appeal decision to the office of the superintendent of public instruction.
- The decision will be provided in a language that 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.

Level Three - Complaint to the Superintendent of Public Instruction

Filing of Complaint

- If a complainant disagrees with the decision of the board of directors, or if the district fails to comply with this procedure, the complainant may file a complaint with the superintendent of public instruction.
- A complaint must be received by the Superintendent of Public Instruction on or before the twentieth (20) calendar day following the date upon which the complainant received written notice of the board of directors' decision, unless the Superintendent of Public Instruction grants an extension for good cause. Complaints may be submitted by mail, fax, electronic mail, or hand delivery.
- A complaint must be in writing and include: 1) A description of the specific acts, conditions or circumstances alleged to violate applicable anti-sexual harassment laws; 2) The name and contact information, including address, of the complainant; 3) The name and address of the district subject to the complaint; 4) A copy of the district's complaint and appeal decision, if any; and 5) A proposed resolution of the complaint or relief requested. If the allegations regard a specific student, the complaint must also

include the name and address of the student, or in the case of a homeless child or youth, contact information.

Investigation, Determination and Corrective Action

- Upon receipt of a complaint, the Office of the Superintendent of Public Instruction may initiate an investigation, which may include conducting an independent on-site review. OSPI may also investigate additional issues related to the complaint that were not included in the initial complaint or appeal to the superintendent or board.
- Following the investigation, OSPI will make an independent determination as to whether the district has failed to comply with RCW 28A.642.010 or Chapter 392-190, WAC and will issue a written decision to the complainant and the district that addresses each allegation in the complaint and any other noncompliance issues it has identified. The written decision will include corrective actions deemed necessary to correct noncompliance and documentation the district must provide to demonstrate that corrective action has been completed.
- All corrective actions must be completed within the timelines established by OSPI in the written decision unless OSPI grants an extension. If timely compliance is not achieved, OSPI may take action including but not limited to referring the district to appropriate state or federal agencies empowered to order compliance.

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

Level Four - Administrative Hearing, State Requirement

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

Other Complaint Options

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

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

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

Washington State Human Rights Commission (WSHRC)

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

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

Investigation Recordkeeping

The district will maintain, for a period of 7 years, records of all sexual harassment investigations.

The district will maintain, for a period of seven years, records of each Title IX sexual harassment investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript; any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant; and any appeal from the result of a determination regarding responsibility.

The district will maintain, for a period of seven years, records of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment under Title IX.

Training and Orientation

A fixed component of all district orientation sessions for staff, students and regular volunteers will introduce the elements of this procedure and the corresponding policy. Staff will be provided information on recognizing and preventing sexual harassment. Staff will be fully informed of their responsibilities when on notice of sexual harassment, of the formal complaint procedures, 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 he or she does not submit to a sexual request;
- Penalizing a person for refusing to submit to a sexual advance, or providing a benefit to someone who does;
- Making unwelcome, offensive or inappropriate sexually suggestive remarks comments, gestures, or jokes; or remarks of a sexual nature about a person's appearance, gender or conduct;
- Using derogatory sexual terms for a person;
- Standing too close, inappropriately touching, cornering or stalking a person; or
- Displaying offensive or inappropriate sexual illustrations on school property.

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 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.

Procedure - Sex Discrimination and Sex-Based Harassment of Students Prohibited - Grievance

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

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

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

Under Washington State law, anyone may file a complaint with the district alleging any action that Federal, State, or local sex-based nondiscrimination laws and regulations would prohibit. However, the grievance procedure below was developed to meet the district's obligations under Title IX and is aligned with Washington State laws and regulations that define sex discrimination, including those that prohibit sex-based harassment. As discussed in Section III.B, the district will assess complaints under this procedure and may refer them to other district policies and procedures.

For questions about this procedure, contact the District's Title IX Coordinator, who can be reached at:

Gerry Grubbs / Superintendent/Principal
Title IX Coordinator
436 Index Ave, Index, WA. 98256
(360) 793-1330
ggrubbs@index.k12.wa.us

I. General Definitions

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

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

student, employee, or person subjected to the alleged sex discrimination is referred to as "the Complainant" in documents related to the complaint.

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

"Party" or "Parties" means a Complainant(s) or Respondent(s).

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

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

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

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

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

II. Responding to Notice or Report of Sex Discrimination

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

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

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

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

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

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

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

- discuss the availability of supportive measures and consider their wishes with respect to supportive measures;
- explain the district's procedure and resolution options, including the informal resolution process if appropriate; and
- provide a copy of the applicable District policy and procedure, including the district's grievance procedure.

A. Supportive Measures

[Decisions about supportive measures need to be made by someone trained on Title IX/supportive measures and documented. Additionally, parties now have a right to have decisions about supportive measures reviewed by an impartial employee who is also trained and has higher authority than the person who determined supportive measures. However, the process required is not as formal as appeals. Therefore, to ensure appropriate training and compliance, it is recommended that the district designate an Administrator(s) who will be responsible for supportive measures and designate a Supportive Measure Review Administrator (SMRA) who has authority over that person. The Administrator can be a counselor, behavior interventional specialist, assistant principal, principal or the Title IX Coordinator. The SMRA can be the Principal, the Title IX Coordinator, or the Superintendent so long as whoever serves as the SMRA is trained and has higher authority.]

Upon notice of allegations of sex discrimination, a district administrator will offer and coordinate supportive measures as appropriate for the Complainant and Respondent.

At the time that supportive measures are offered, if a complaint has not been filed, the district will provide written notice that the Complainant may file a complaint with the district at any time. The administrator will work with a party to ensure that their wishes are considered with respect to any planned and implemented supportive measures.

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

1. Providing Supportive Measures

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

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

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

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

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

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

2. Privacy and Supportive Measures

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

Except, the district may disclose some information to carry out the purposes of supportive measures, including to address conduct that reasonably may constitute sex discrimination.

For example, the district may need to tell specific staff, the other party, or a third party of a supportive measure to implement or document it. But the district may not need to disclose why the supportive measure is being provided.

The following are other exceptions that may apply:

1. A person with the legal right to consent to the disclosure provides written consent.
2. The information is disclosed to a parent, guardian, or other authorized legal representative of the person at issue.
3. As required by laws, regulations, or to comply with State or Federal grant awards or other funding agreement.
4. When required by Federal, State or local law, including FERPA, and those laws do not conflict with Title IX.

Application of State laws may prohibit disclosure even where permissible under those exceptions. As stated in [WSSDA Model Policy 3230 - Searches of Students and Student Privacy or modified as accurate for your district], Washington State law provides that at certain ages, students attain the right to decide for themselves what records will remain confidential, even from their parents, and what activities the student will participate in.

Additionally, as stated in [WSSDA Model Procedure 3211P or modified as accurate for your district], information about a student's gender identity, legal name, or assigned sex at birth may constitute confidential medical or educational information. Disclosing this information to others may violate privacy laws. To ensure the safety and well-being of the student, school employees should not disclose a student's transgender or gender-expansive status to others, including other school personnel, other students, or the parents of other students, unless the school is (1) legally required to do so or (2) the student has authorized such disclosure.

3. District Modification or Termination of Supportive Measures

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

4. Opportunity for Modification or Reversal of Supportive Measures

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

If either party wants to modify or reverse the district's decision to provide, deny, modify, or terminate supportive measures applicable to them, they may request an opportunity for modification or reversal from [District needs to designate an impartial employee(s) other than the employee who made the challenged supportive measure decision and must have the authority to modify or reverse the decision. Identify the Supportive Measure Review Administrator here.]

B. Title IX Coordinator Determinations and Explanation of Applicable Policies

1. Who Can File Under this Procedure

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

- a person who meets the definition of "Complainant" above,

- a parent, guardian, or other authorized legal representative of the Complainant,
- or the Title IX Coordinator
-

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

- a person who meets the definition of “Complainant” above,
- a parent, guardian, or other authorized legal representative of the Complainant,
- the Title IX Coordinator,
- any student or employee, or
- any other person participating or attempting to participate in a district education program or activity at the time of the alleged sex discrimination.

If an individual wishes to file a sex-based discrimination complaint, but does not fit this definition, they should use the process for students at [WSSDA model Procedure 3210P or equivalent] or the process for employees or applicants at [WSSDA model Procedure 5010P].

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

2. Determining What Procedure Applies

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

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

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

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

C. Other Considerations

1. Students with Disabilities

If either party is a student with a disability, the Title IX Coordinator or a designee will consult with one or more members, as appropriate, of the student’s Section 504 or Individualized Education Program (I.E.P.) team to determine how to comply with Section 504 and IDEA requirements throughout the implementation of this grievance procedures.

2. Discipline Prohibit Until Determination

A Respondent who is accused of sex discrimination under Title IX is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. The district may not impose any disciplinary sanctions or other actions that are not supportive measures against the Respondent until

the district has determined that the Respondent was responsible for the sex discrimination at the conclusion of the grievance process.

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

The district may remove a student Respondent from school on an emergency basis consistent with WSSDA Model Policy and Procedure 3241 – Student Discipline modified as accurate for your district and the associated student discipline regulations for emergency expulsion *provided* that the district:

- (1) undertakes an individualized safety and risk analysis,
- (2) determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal, and
- (3) provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

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

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

IV. [Informal Resolution is not Required,^[2] but based on the 2024 regulations, these are WSSDA's Recommended Processes if a District chooses to offer it,]

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

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

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

Either party may request informal resolution at any time, including after a complaint has been filed but before a complaint determination is issued under Section V.G below.

The informal resolution process is at the discretion of the district's Title IX Coordinator or a designee.^[3] However, as required by Federal law, the district does not allow informal resolution for allegations that an employee engaged in sex-based harassment of a district student.

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

1. the allegations,
2. the requirements for the process,
3. the right to withdraw from the process and to start or continue the grievance process (described in Section V) any time prior to reaching agreement,

4. if a resolution agreement is reached the parties will be prevented from start or continuing the grievance process of the same allegations,
5. potential terms that can be requested or offered, include but are not limited to restrictions on contact or participation in programs, activities, attendance at specific events,
6. notice that any agreement is only binding on the parties, and
7. what information will be kept and how the district could disclose information in grievance procedures if that process is resumed.^[4]

A. Accepted Responsibility by the Respondent

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

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

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

When a signed, written resolution agreement is reached, the **Superintendent** will accept a finding that the Respondent is in violation of the district's policy and accept agreed-upon restrictions and remedies. The appropriate sanction(s) or responsive actions will be promptly implemented by the **Title IX Coordinator and appropriate administrators** to effectively stop the discrimination or harassment, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

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

B. Informal Resolution Between the Parties

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

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

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

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

If either party withdraws from the informal resolution process or the process has not concluded within forty-five calendar days without a good cause extension, then the Informal Resolution Facilitator or Title IX Coordinator will end the informal resolution process.

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

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

C. Mediation with the District for Complaints of General Discrimination

The district may not require the waiver of the right to an investigation and adjudication of a complaint of sex discrimination as a condition of enrollment, employment, or enjoyment of any other right, nor may the district require the parties to participate in an informal resolution process.

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

The purpose of mediation is to provide both the Complainant and the district an opportunity to resolve disputes and reach a mutually acceptable agreement through the use of an impartial mediator. Mediation must be voluntary and requires the mutual agreement of both parties. Either party may terminate mediation at any time during the mediation process. It may not be used to deny or delay a Complainant's right to utilize the complaint procedures.

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

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

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

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

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

V. Grievance/Complaint Procedure

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

1. Equitable Treatment and No Conflicts of Interest or Bias

The district will treat Complainants and Respondents equitably.

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

The district requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. **A decisionmaker may be the same person as the Title IX Coordinator or investigator.**

2. Extension of Timeframes

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

3. Privacy and Personally Identifiable Information

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

- obtain and present evidence, including by speaking to witnesses;
- consulting with their family members or confidential resources such as medical providers, therapists, sexual assault resource centers, or others; or
- otherwise preparing for or participating in the grievance procedures.

As stated in **WSSDA Model Policy 3230 - Searches of Students and Student Privacy or your equivalent**], Washington State law provides that at certain ages, students attain the right to decide for themselves what records will remain confidential, even from their parents, and what activities the student will participate in.

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

- (1) To carry out the purposes of the district's obligations under this procedure, including to investigate and take other actions to address conduct that reasonably may constitute sex discrimination in a district education program or activity;
- (2) When the district has obtained prior written consent from a person with the legal right to consent to the disclosure;
- (3) When the information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose PII is at issue;
- (4) As required by State or Federal law, regulations, or the terms and conditions of a State or Federal award, including a grant award or other funding agreement; or
- (5) To the extent such disclosures are not otherwise in conflict with State or Federal laws, when required by State or local law, such as when there is reasonable cause to believe that a child has suffered sexual abuse (RCW 26.44.030), or when permitted under FERPA, 20 U.S.C. 1232g, or its implementing regulations, 34 C.F.R. part 99.

4. Prohibition of Retaliation

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

5. Credibility Determinations

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

6. Relevant Evidence

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

7. Impermissible Evidence

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

- Evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness unless the district obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex-based harassment or preclude a determination that sex-based harassment occurred.

B. Grievance/Complaint Process when a Complaint is Received

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

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

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

C. Dismissal of a Complaint

[The district will need to designate a dismissal decisionmaker and an appeal decisionmaker for dismissals.]⁵¹

The district may dismiss a complaint of sex discrimination if the district determines:

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

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

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

[The district will need to identify a dismissal appeal decisionmaker and include their contact information here.]

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

- procedural irregularity that would change the outcome,
- new evidence that would change the outcome and that was not reasonably available when the dismissal was made, and/or
- the Title IX Coordinator or decisionmaker had a conflict of interest or bias for or against either party that would change the outcome.

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

- offer supportive measures to the Complainant as appropriate

- offer supportive measures to the Respondent, as appropriate, if the Respondent was notified of the allegations and
- take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the district’s education program or activity.

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

D. Dismissal Appeal Process

If the dismissal is appealed, the district will use the Level Two Appeal as described in Section V.H for the appeal of the dismissal [or describe another appeal process and decisionmaker.]

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

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

E. Notice of Allegations:

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

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

The district may consolidate complaints of sex discrimination against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against another party when the allegations of sex discrimination arise out of the same facts or circumstances. However, the district will not consolidate complaints if consolidation violates the Family Educational Rights and Privacy Act (FERPA) and the District has not obtained prior written consent from the parents or eligible students to the disclosure of their education records. This determination will be made on a case-by-case basis.

If, in the course of an investigation, the district decides to investigate additional allegations of sex discrimination by the Respondent toward the Complainant that are not included in the notice provided or

that are included in a complaint that is consolidated, the district will notify the parties of the additional allegations.

F. Investigation:

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

1. Time for Investigation

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

2. Standard of Proof

The district adopts preponderance of the evidence as the standard of proof it will use in reaching decisions regarding complaints. [The rule around clear and convincing evidence has changed with the 2024 regulations. If you have a C.B.A. that requires this standard for employee complaints, please seek more guidance on this provision.] The burden is on the district—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

3. Investigation Requirements

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

The investigation of a sex discrimination complaint must:

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

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

4. Witness' and Parties' Rights

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

Staff (not including Complainant and Respondent) are required to cooperate with and participate in the district's investigation and resolution process.¹⁶¹ If an employee represented by a union reasonably concludes that discipline could result from information provided during an interview, the employee shall be entitled to union representation during the interview. If the employee reasonably determines during the interview that discipline could result, the interview shall be suspended until representation is available.

5. Review of Evidence Prior to Determination

At least ten (10) days prior to a determination regarding responsibility, the district shall provide the parties with a report that provides equal written notice as to the findings of the investigation¹⁷¹ and provides a fair summary of any relevant evidence that is directly related to the allegations raised in the complaint and obtained as part of the investigation. The notice shall inform the parties that:

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

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

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

G. Level One – Superintendent's Response and Decision

At the conclusion of the investigation and within thirty (30) calendar days of receipt of the complaint, the Superintendent or a designee must issue a written determination of responsibility regarding the alleged sex discrimination.

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

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

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

1. Determination of Whether Sex Discrimination Occurred

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

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

- Identification of the allegations potentially constituting sex discrimination under Title IX regulations;
- Findings supporting the determination;
- An application of the district's policy prohibiting sex discrimination to the facts and a statement of conclusion as to whether a preponderance of the evidence substantiated that the Complainant was subjected to sex discrimination;
- If sex discrimination was substantiated, then the decision must also include a determination regarding responsibility, any disciplinary or other sanctions imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the Complainant; and the corrective measures the district deems necessary, including assurance that the district will take steps to prevent recurrence and remedy its effects on the Complainant and others, if appropriate; and
- Notice of the parties' right to appeal to the school board and the necessary filing information.

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

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

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

2. Disciplinary Sanctions and Remedies

Following a determination that sex-based harassment occurred, the district may impose disciplinary sanctions. "Disciplinary sanctions" means consequences imposed on a Respondent following a determination under these grievance procedures that the Respondent violated the recipient's prohibition on sex discrimination. Disciplinary sanctions against students will be in accordance with 3241/3241P – Student Discipline. Disciplinary sanctions against employees will be in accordance with 5281 – Disciplinary Action or Discharge. Modify as accurate for your district.

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

Remedies may include but are not limited to:

- A continuation of supportive measures
- Referrals to counseling, health services, or the Employee Assistance Program
- Course and registration adjustments, such as retroactive withdrawals or changes in schedules
- Education to the individual and/or the community
- Permanent or temporary alteration of work arrangements for employees
- Provision of school safety escorts
- Climate surveys
- Policy modification and/or training
- Implementation of long-term contact limitations between the Parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

H. **Level Two – Appeal to the Board of Directors^[8]**

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

1. **Notice of Appeal and Hearing**

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

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

2. **Appeal Decisionmaker**

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

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

3. **The Appeal/Hearing Process**

All parties will be allowed a reasonable, equal opportunity to present such witnesses and testimony as the board or its designee deems relevant and material in support of or challenging the outcome of the initial determination.

Unless otherwise agreed to by the appellant(s), the board or its designee will render a written decision within thirty (30) calendar days following the filing of the notice of appeal and provide the Complainant with a copy of the decision. The decision of the board will be provided in a language the Complainant can understand, which may require language assistance for Complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act.

The decision will include notice of the Complainant's right to appeal to the Superintendent of Public Instruction and will identify where and to whom the appeal must be filed. The district will send a copy of the appeal decision to the office of the Superintendent of public instruction.

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

If the Complainant or Respondent disagrees with the decision of the board of directors, or if the district fails to comply with this procedure, the Complainant may file a complaint with the Superintendent of Public Instruction.

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

A complaint must be in writing and include:

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

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

Upon receipt of a complaint, the Office of the Superintendent of Public Instruction may open an investigation, which may include conducting an independent on-site review. OSPI may also investigate additional issues related to the complaint that were not included in the initial complaint or appeal to the Superintendent or board. Following the investigation, OSPI will make an independent determination as to whether the district has failed to comply with RCW 28A.642.010 or Chapter 392-190, W.A.C. and will issue a written decision to the Complainant and the District that addresses each allegation in the complaint and any other noncompliance issues it has identified. The written decision will include corrective actions deemed necessary to correct noncompliance and documentation the district must provide to demonstrate that corrective action has been completed.

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

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

J. Level Four - Administrative Hearing

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

VI. Definitions of Prohibited Conduct

The sections below describe the specific forms of legally prohibited sex discrimination, sex-based harassment, and retaliation that are also prohibited under District Policy. Speech or

conduct protected by the First Amendment will not be considered a violation of the District's Policy, **though supportive measures will be offered to those impacted.**

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

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

"Sex discrimination" means discriminatory different treatment with respect to a person's employment or participation in a District education program or activity based on sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. There are three types of sex discrimination, which are defined below: (A) different (or disparate) treatment, (B) disparate impact, and (C) sex-based harassment

- A. **"Different (or disparate) treatment discrimination"** means any intentional differential treatment of a person or persons that is based on a person's actual or perceived sex and that:
 - Excludes a person from participation in;
 - Denies a person benefits of; or
 - Otherwise adversely affects a term or condition of a person's participation in a Recipient program or activity

- B. **"Disparate Impact Discrimination"** means policies or practices that appear to be neutral unintentionally result in a disproportionate impact on the basis of sex that:
 - Excludes a person from participation in;
 - Denies a person benefits of; or
 - Otherwise adversely affects a term or condition of a person's participation in a Recipient program or activity.

- C. **"Sex-based harassment"** is a form of sex discrimination and means
 - sexual harassment and other harassment
 - - on the basis of sex, including on the basis of
 - sex stereotypes,
 - sex characteristics,
 - pregnancy or related conditions,
 - sexual orientation, and
 - gender identity.

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

- 4. **"Quid pro quo harassment"**
 - An employee, agent, or other person authorized by the district
 - to provide an aid, benefit, or service under the district's education program or activity
 - explicitly or impliedly conditioning the provision of such an aid, benefit, or service

- on a person's participation in unwelcome sexual conduct.

5. **"Hostile environment harassment," which is defined as**

- "Unwelcome sex-based conduct that,
- based on the totality of the circumstances,
- is subjectively and objectively offensive and
- is so severe or pervasive
- that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (i.e., creates a hostile environment)."

Because students and employees can experience the continuing effects of off-campus harassment in the educational setting, the district will consider the effects of off-campus conduct when evaluating whether there is a hostile environment on campus. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

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

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

a. **Rape:**

-
- Penetration by the Respondent, no matter how slight,
- of the vagina or anus,
- with any body part or object, or
- oral penetration by a sex organ of the Respondent,
- without the consent of the Complainant.

b. **Fondling:**

-
- The touching of the private body parts of the Complainant (buttocks, groin, breasts) by the Respondent,
- for the purpose of sexual gratification,
- without the consent of the Complainant,

- including instances where the Complainant is incapable of giving consent because of their age or because of a temporary or permanent mental or physical incapacity.

c. Sodomy

- Oral or anal penetration,
- Of the Complainant by the Respondent
- without the consent of the Complainant,
- including instances where the Complainant is incapable of giving consent
 - because of their age or
 - because of their temporary or permanent mental or physical incapacity

d. Sexual Assault with an Object

- Respondent's use of an object or instrument
- to unlawfully penetrate, however slightly, the genital or anal opening
- of the body of the Complainant,
- without the consent of the Complainant,
- including instances where the Complainant is incapable of giving consent
 - because of their age or
 - because of their temporary or permanent mental or physical incapacity

e. Statutory Rape:

- Sexual intercourse,
- with a person who is under the statutory age of consent
 - - A person who is under age 16 OR
 - A person under the age of 18 (16 or 17) if the other person is more than 5 years (60 months) older than them

f. Incest:

- Sexual intercourse,
- between persons who are related to each other,
- within the degrees wherein marriage is prohibited by Washington State law.

7. "Dating violence" means violence committed by a person:

- - Who is or has been in a social relationship of a romantic or intimate nature with the victim and

- Where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship, (2) the type of relationship, and (3) the frequency of interaction between the persons involved in the relationship.

8. **“Domestic violence” means felony or misdemeanor crimes committed by a person who:**

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

9. **“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:**

- - Fear for the person’s safety or the safety of others; or
 - Suffer substantial emotional distress.

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

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

D. **“Retaliation” means intimidation, threats, coercion, or discrimination**

- against any person
- for the purpose of interfering with any right or privilege secured by Title IX or this procedure or
- because the person
 - reported information, made a complaint, was a witness or
 - provided information, assisted, or participated or

- refused to participate in any manner
- in an investigation or appeal under Title IX or this process.

VII. Other Complaint Options

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

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

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

Washington State Human Rights Commission (WSHRC)

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

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

For Complaints involving employee-on-employee conduct:

[Equal Employment Opportunity Commission \(EEOC\)](#)

[Seattle Field Office](#)

Federal Office Building

909 First Avenue, Suite 400

Seattle, WA 98104-1061

Phone [1-800-669-4000](#)

Fax [206-220-6911](#)

TTY [1-800-669-6820](#)

ASL Video Phone [844-234-5122](#)

[1] NOTE ON CONFIDENTIAL EMPLOYEES: Under the 2024 Title IX regulations, Recipients are allowed to designate “Confidential employees” to receive information about conduct that may constitute sex discrimination under Title IX and not notify the Title IX Coordinator. See 34 CFR § 106.2 and 106.44. WSSDA’s model policy and procedure does not include a provision for Confidential Employees due to the broad range of staff and other professionals who are mandatory reporters of child abuse in WA state, the potential for confusion about when the confidential employee is acting in that role versus another in the district, and inadvertent harm or liability. Districts that want to include a provision on confidential employee as a way to reduce barriers to reporting are encouraged to discuss this option under the Title IX regulations with their counsel.

[2] *Note to Drafter:* The 2024 regulatory amendments do not require a recipient to offer an informal resolution process, nor do they require a formal complaint before can be offered (as required by the 2020 Title IX regulations). But, if offered, informal resolution must comply with certain regulatory requirements that are set forth at 34 CFR 106.44(k) and require that the person facilitating informal resolutions be trained on impartiality and informal resolution processes. The OCR model procedures are silent with respect to confidentiality or privilege, but Districts may want to consider addressing these issues and has suggested language in footnote 3.

[3] It is recommended that the District designate someone who hold the discretion and ensures the requirements are met.

[4] This language is optional and offered for consideration in this provision:

The parties may agree, as a condition of engaging in informal resolution, that if informal resolution is not successful that any statements made, notes taken, or evidence shared during the informal resolution process will be kept confidential to the extent agreed to by the parties. However, any statements and evidence obtained by an investigator or decisionmaker outside the informal resolution process will not be shielded from admissibility in the determination process. However, the following will not be confidential or privileged and may be disclosed as necessary or required by law:

- Any resulting written resolution agreement signed by the parties;
- Threats of violence or plans to commit or conceal a crime; and

- Unreported child abuse under mandatory reporting requirements.

^[5] Dismissal of a complaint is addressed at 34 CFR 106.45(d). It is recommended for ease, clarity, and to minimize needed training that that districts handle (1) dismissals and grievance determinations and (2) appeals decisions for dismissals and grievance determinations similarly. However, it is up to recipient who will hear the dismissal appeal and what process is used, so long as the appeal decision-maker has authority greater than the dismissal decision-maker. If the dismissal decision-maker is the Title IX Coordinator, the dismissal appeal can go to the Superintendent/designee, unless the Superintendent is serving as the investigator/decisionmaker and has already started an investigation. In such instances, the appeals should go to the board or a board designee.

^[6] Title IX permits recipients to require employee involvement. But District's should review their CBAs to be sure this provision does not conflict with any of them.

^[7] The 2024 regulations require that there be an equal opportunity to review evidence but do not explicitly state that a report must be provided in advance of the decision. However, this is a recommended practice.

^[8] Per Title IX, 34 CFR 106.45(i) Appeals. In addition to an appeal of a dismissal consistent with paragraph (d)(3) of this section, a recipient must offer the parties an appeal process that, at a minimum, is the same as it offers in all other comparable proceedings, if any, including proceedings relating to other discrimination complaints. Therefore, this is aligned with the appeal process of WSSDA Model Policy 3210. If your policy 3210 differs from the WSSDA model policy, you may use your 3210-appeal process. However, OSPI's position is that while the Superintendent can delegate their decision-making authority, the person is nonetheless acting in the Superintendent's place. Thus, an appeal has to be made by an authority above the Superintendent, i.e. the School Board who can delegate its authority to a board appeal officer or whoever they choose.

Sex Discrimination and Sex-Based Harassment Prohibited - Implementation

The procedure is intended to set forth the implementation requirements of Policy 3205 and **Policy 5011** to specify the district's obligations with respect to establishing an educational and work environment that does not tolerate sex discrimination, including sex-based harassment.

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

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

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

- **I. District Notice and Information**

Publication of Notices

Information about the policy and procedure will be clearly stated and:

- conspicuously posted on the district's website.
- conspicuously posted throughout each school building,
- provided to each employee, and
- reproduced in each student, staff, volunteer, and parent handbook.

Such notices will:

- Include a statement that the recipient does not discriminate on the basis of sex and prohibits sex discrimination and sex-based harassment in any education program or activity that it operates, as required by the State and Federal law Title IX, including employment;
- State that inquiries about the application of Title IX may be referred to the district's Title IX Coordinator, the Office for Civil Rights, or both;
- Identify the district's Title IX coordinator and provide contact information, including their name or title, office address, email address, and telephone number;
- How to locate the district's sex discrimination policy and grievance procedures;
- How to report information about conduct that may constitute sex discrimination; and
- How to make a complaint of sex discrimination.

If necessary, due to the format or size of any publication, the district may instead include in those publications a statement that the district prohibits sex discrimination, including sex-

based harassment, in any education program or activity that it operates. It will also state that individuals may report concerns or questions to the Title IX Coordinator, and provide the location of the notice described above on the district's website.

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

At a minimum, sex discrimination, including sex-based harassment, recognition and prevention, and the elements of this policy will be included in staff, student, and regular volunteer orientation.

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

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

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

- Pressuring a person for sexual favors
- Writing graffiti of a sexual nature on school property
- Distributing or displaying sexually explicit texts, emails or pictures
- Making unwelcome, offensive or inappropriate sexual comments, gestures, or jokes
- Making unwelcome comments about someone based on their sex, appearance, sexual orientation or gender identity or expression
- Unwelcome touching of a sexual nature or stalking a person
- Physical violence, including rape, sexual assault, dating violence, and domestic violence

• II. The Title IX Team

For the purposes of this section, the Title IX Team refers to the Title IX Coordinator, investigators, decisionmakers, appeal decisionmakers, **informal resolution facilitators**, and people with the authority to modify or terminate supportive measures.

A. **Roles of Members of the Title IX Team**^[1]

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

The Title IX Coordinator is the person authorized by the Superintendent to coordinate the district's federal state and sex discrimination and sex-based harassment regulation compliance efforts.^[2]

The district's Title IX Coordinator can be reached at:
Gerry Grubbs - Superintendent/Principal
Title IX Coordinator
435 Index Ave., Index, WA. 98256
(360) 793-1330
ggrubbs@index.k12.wa.us

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

An informal resolution facilitator is a person who has received the training provided to all employees. They must also be trained on the rules and practices associated with the district's informal resolution process(es) and on how to serve impartially, including avoiding conflicts of interest and bias. Any district designee for the informal resolution process cannot be the complaint investigator, decision-maker, or appeal decision-maker. Such designee must not have a conflict of interest or bias for or against either of the parties. However, a district designee for the informal process will not be considered biased solely because they are an employee of the district or are paid to serve as a facilitator in an informal resolution process.

An investigator is a person who is impartial and has been trained to investigate compliance with the district's sex discrimination grievance process as described in Procedure 3205P.2. The investigator can be the same person who serves as the Title IX Coordinator or the Decisionmaker of the sex discrimination complaint.^[3]

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

The appeal decisionmaker will be a member of the School Board or a School Board designee and cannot be the Superintendent or an employee of the district.

B. Training for the Title IX Team

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

- The definition of sex-based harassment under Title IX and state law;
- The scope of the district's education program or activity;
- How to conduct an investigation, the grievance process, and the informal resolution process;
- How to serve impartially;

- Their responsibilities under chapter WAC 392-190 WAC; and
- How to raise awareness of and eliminate bias based on sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal.

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

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

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

In addition to training requirements for all employees described above, the Title IX Coordinator and any designees under the Title IX Coordinator must be trained on:

- the responsibilities of the Title IX Coordinator,
- specific responsibilities for ensuring equal opportunity to pregnant and parenting students,
- the provision of supportive measures,
- the District’s recordkeeping requirements, and
- any other training necessary to coordinate the recipient’s compliance with Title IX.

III. **Compliance Responsibilities**

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

The Title IX Coordinator will inform the district community, including people who report sex discrimination, of the district’s responsibilities under Policy 3205 and related policies and procedures. These include policies for pregnant and parenting students (Policy 3206), gender-inclusive schools (Policy 3211), and district employees (Policy 5210) to comply with its obligations under State and Federal laws, including Title IX, and to create inclusive and welcoming school communities.

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

The Title IX Coordinator will ensure the district has a process and system in place to provide support and modifications to pregnant and parenting students, staff, and people attempting to enroll or participate in district programs that report being pregnant or having pregnancy-related conditions.

The Title IX Coordinator will annually:

- (1) Monitor the district's education program or activity for barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX or this part and
- (2) Take steps reasonably calculated to address such barriers.

When notified of conduct that reasonably may constitute sex discrimination under Title IX, Washington State law, or the district's policies, the Title IX Coordinator must take the following actions to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrence, and remedy its effects:

- Treat the Complainant and Respondent equitably;
- Offer and coordinate supportive measures, as appropriate, for the Complainant.
- Offer and coordinate supportive measures, as appropriate, for the Respondent if the district has initiated grievance procedures or offered an informal resolution process to the Respondent.
- Notify the Complainant or, if the Complainant is unknown, the individual who reported the district's grievance procedures under 3205P.1 and the informal resolution process, if available and appropriate.

If a complaint is initiated under the grievance procedures, the Title IX Coordinator will:

- Evaluate the complaint and, as appropriate, initiate the grievance procedures under 3205P.1 or other applicable procedures;
- Describe and offer the informal resolution process under the same, if available and appropriate, ^[4] and
- Notify the Respondent of the grievance procedures, if appropriate and applicable.

In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and the absence or termination of an informal resolution process, the Title IX Coordinator will determine whether to initiate a complaint of sex discrimination that complies with the grievance procedures under 3205.P.1. To make this fact-specific determination, the Title IX Coordinator must consider, at a minimum, the following factors:

1. The Complainant's request not to proceed with a complaint;
2. The Complainant's reasonable safety concerns regarding a complaint;
3. The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
4. The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
5. The age and relationship of the parties, including whether the Respondent is an employee of the recipient;
6. The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;

7. The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
8. Whether the district could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures under **Procedure 3205P.1.**

If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person or that the conduct as alleged prevents the recipient from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator may initiate a complaint.

When there has been a determination of responsibility for sex discrimination, the Title IX Coordinator or a designee will ensure that any corrective measures and remedial actions deemed necessary will be instituted as quickly as possible, but in no event more than thirty (30) days after the Superintendent mailed a written decision unless a student is appealing the imposition of discipline and the district is barred by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded. Staff may also pursue complaints through the appropriate collective bargaining agreement process or anti-discrimination policy.

IV. District Staff Responsibilities

Any district employee who witnesses or receives a report or complaint about sex discrimination, including sex-based harassment, is responsible for informing the district Title IX or Civil Rights Compliance Coordinator. All staff are also responsible for directing reporters to the complaint process.⁵¹

Any district employee who is informed by a student (or a student's parent, guardian, or legal representative) of the student's pregnancy or pregnancy-related condition must promptly:

- provide them with the district's Title IX Coordinator's contact information and
- inform the affected student (or the student's legal representative) that the Title IX Coordinator can coordinate specific actions to prevent pregnancy and pregnancy-related discrimination and ensure equal access to the district's education program or activity.

Such notice does not need to be provided if the employee reasonably believes that the Title IX Coordinator has already been notified.

Reports of other forms of discrimination and discriminatory harassment will be referred to the district's Civil Rights Compliance Coordinator. Reports of disability discrimination or harassment will be referred to the district's Section 504 Coordinator.

Employees who are mandatory reporters must also report allegations of criminal misconduct to law enforcement, and suspected child abuse must be reported to law enforcement or Child Protective Services.

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

V. District Training and Orientation Requirements

A fixed component of all district newly hired employees, and annual orientation sessions for staff, students, and regular volunteers will introduce the elements of this procedure, the district's grievance procedures, and the corresponding policy.

Staff will be provided information on recognizing and preventing sex discrimination, including sex-based harassment. Staff will be fully informed of their responsibilities when on notice of sex discrimination, the district's complaint procedures, and their roles and responsibilities under the policy and procedure.

All employees must receive training on the district's obligations under Federal, State, and local laws and regulations and district policy and procedures prohibiting sex discrimination, including those related to pregnancy or pregnancy-related conditions or marital or parental status. The training shall include, at a minimum:

- Employees' obligations to provide notice of the Title IX Coordinator as discussed above;
- The district's prohibition of sex discrimination, including prohibitions of harassment of students and staff based on sexual orientation, gender identity, gender expression, pregnancy, pregnancy-related conditions, and marital or pregnancy status; and
- The district's policy prohibition of retaliation against a student or staff member for exercising these rights, including imposing or threatening to impose negative educational outcomes because a student requests leave or accommodation, files a complaint, or otherwise exercises their rights under the policy.

Professional school personnel, including but not limited to certificated staff, will be reminded of their legal responsibility to report suspected child abuse and how some allegations of sex-based harassment may implicate that responsibility. Regular volunteers will get the portions of this component of orientation relevant to their rights and responsibilities.

• VI. Policy and Procedure Review

Annually, the Superintendent or designee and the Title IX Coordinator 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 will prepare a report to the Board, including, if necessary, any recommended policy changes. The Superintendent will consider adopting changes to this procedure if recommended by the committee.

• VII. Investigation Recordkeeping

The district will maintain, for a period of at least seven years, the following records:

- All materials used to train employees, Title IX Coordinator, investigators, decisionmakers, and any person who facilitates an informal resolution process for the district and make such materials available upon request

- Records of any actions, including supportive measures, taken in response to a report of sex-based harassment under Title IX, even if no complaint is filed
- **Records of any informal resolution and the result**

Records of each sex discrimination investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript; any disciplinary sanctions imposed on the Respondent and any remedies provided to the Complainant; and any appeal from the result of a determination regarding responsibility

^[1] It does not need to be specified in the policy, but the district needs to determine who will fulfill these roles and ensure that they receive the necessary training. The District should also identify who will assume any of the team members' roles should any of them have a conflict of interest or bias.

^[2] The district may delegate some of the Title IX Coordinator's responsibilities to others, such as for provision of supportive measures, informal resolution, investigations, etc. But, there should be only one Title IX Coordinator.

^[3] This is a difference from the 2020 regulations. Under the 2024 regulations the Title IX Coordinator, investigator, and decisionmaker can be the same person within the district. But, it is not the recommended practice due to the many other duties of the Title IX Coordinator.

^[4] This depends on whether 3205P.1 offers an informal resolution process. Under the 2024 Title IX Regulations, informal resolution is optional, but if a district uses it, there are explicit requirements for informal resolution facilitator(s), including impartiality, notice, recordkeeping, and training requirements.

^[5] **NOTE ON CONFIDENTIAL EMPLOYEES:** Under the 2024 Title IX regulations, Recipients are allowed to designate "Confidential employees" to receive information about conduct that may constitute sex discrimination under Title IX and not notify the Title IX Coordinator. See 34 CFR § 106.2 and 106.44. WSSDA's model policy and procedure does not include a provision for Confidential Employees due to the broad range of staff who are mandatory reporters of child abuse in WA state, the potential for confusion about when the confidential employee is acting in that role versus another in the district, and inadvertent harm or liability. Districts that want to include a provision on confidential employee are encouraged to discuss these options under the Title IX regulations with their counsel.

Procedure - Prohibition of Harassment, Intimidation and Bullying

A. Introduction

The Index School District strives to provide students with optimal conditions for learning by maintaining a school environment where everyone is treated with respect and no one is physically or emotionally harmed.

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

Any school staff who observes, overhears, or otherwise witnesses harassment, intimidation, or bullying or to whom such actions have been reported must take prompt and appropriate action to stop the harassment, intimidation, or bullying, and to prevent its recurrence.

B. Definitions

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

Harassment, intimidation, or bullying means an intentional electronic, written, verbal, or physical act that:

1.

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

Conduct that is "substantially interfering with a student's education" will be determined by considering a targeted student's grades, attendance, demeanor, interaction with peers, participation in activities, and other indicators.

Conduct that may rise to the level of harassment, intimidation, or bullying may take many forms, including, but not limited to: slurs, rumors, jokes, innuendoes, demeaning comments, drawings, cartoons, pranks, ostracism, physical attacks or threats, gestures, or acts relating to an individual or group whether electronic, written, oral, or physically transmitted messages or images. There is no requirement that the targeted student actually possess the characteristic that is the basis for the harassment, intimidation, or bullying.

Retaliation occurs when an individual is intimidated, threatened, coerced, or discriminated against for reporting harassment, intimidation, or bullying, or participating in an investigation.

Staff includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, classified staff, substitute and temporary teachers, volunteers, or paraprofessionals (both employees and contractors).

Targeted Student means a student against whom harassment, intimidation, or bullying has allegedly been perpetrated.

C. Behaviors / Expressions

“Harassment,” “intimidation,” and “bullying” are separate but related behaviors. Each must be addressed appropriately. Although this procedure differentiates the three behaviors, this differentiation should not be considered part of the legal definition of these behaviors, Harassment refers to any malicious act, which causes harm to any person’s physical well being. It can be discriminatory harassment, malicious harassment, or sexual harassment. Intimidation refers to implied or overt threats of physical violence. Bullying refers to unwanted aggressive behavior(s) by another youth or group of youths that involves an observed or perceived power imbalance and is repeated multiple times or is highly likely to be repeated. Bullying may inflict harm on the targeted youth including physical or educational harm. Bullying can also occur through technology and is called electronic bullying or cyberbullying

D. Relationship to Other Laws

This procedure applies only to [RCW is 28A.600.477 Prohibition of harassment, intimidation, and bullying](#). There are other laws and procedures to address related issues such as sexual harassment or discrimination.

At least four Washington laws may apply to harassment or discrimination:

1. [RCW is 28A.600.477 Prohibition of harassment, intimidation, and bullying](#)
2. [RCW 28A.640.020 – Sexual Equality](#)
3. [RCW 28A.642 – Prohibition of Discrimination in Public Schools](#)
4. [RCW 49.60.010 – The Law Against Discrimination](#)

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

E. Prevention

1. Dissemination

In each school and on the district’s website the district will prominently post information on reporting harassment, intimidation, or bullying; the name and contact information for making a report to a school administrator; and the name and contact information for the district compliance officer. The district’s policy and procedure will be available in each school in a language that families can understand.

Annually, the superintendent will ensure that a statement summarizing the policy and procedure is provided in student, staff, volunteer, and parent handbooks, is available in school and district offices and/or hallways, or is posted on the district’s website.

Additional distribution of the policy and procedure is subject to the requirements of chapter 392-405 WAC

2. Education

Annually students will receive age-appropriate information on the recognition and prevention of harassment, intimidation, or bullying at student orientation sessions and on other appropriate occasions. The information will include a copy of the Incident Reporting Form or a link to a web-based process.

3. Training

The district compliance officer will participate in at least one mandatory training opportunity offered by OSPI. Staff will receive annual training on the school district’s policy and procedure, including at a minimum, staff roles and responsibilities, how to monitor common areas and the use of the district’s Incident Reporting Form.

4. Prevention Strategies

The district will implement a range of prevention strategies including individual, classroom, school, and district-level approaches.

Whenever possible, the district will implement evidence-based prevention programs that are designed to increase social competency, improve school climate, and eliminate harassment, intimidation, and bullying in schools.

F. Compliance Officer

The district compliance officer will:

1. Serve as the district's primary contact for harassment, intimidation, or bullying. If the allegations in a written report of harassment, intimidation, or bullying indicate a potential violation of Policy 3207, the district staff member who receives the report must promptly notify the district compliance officer.
2. Provide support and assistance to the principal or designee in resolving complaints;
3. Receive copies of all Incident Reporting Forms, discipline Referral Forms, and letters to parents providing the outcomes of investigations.
4. Communicate with the school district's designated civil rights compliance coordinator. If a written report of harassment, intimidation, or bullying indicates a potential violation of the district's nondiscrimination policy [Policy 3210], or if during the course of an investigation, the district becomes aware of a potential violation of the district's nondiscrimination policy, the compliance officer must promptly notify the district's civil rights compliance coordinator. At that time, the compliance officers must promptly notify the complainant that their complaint will proceed under both this policy / procedure and the nondiscrimination policy / procedure. The investigation and response timeline for the nondiscrimination procedure begin when the school district knows or should have known that a written report or investigation or Harassment, Intimidation, or Bullying involves a potential violation of the district's nondiscrimination policy;
5. Be familiar with the use of the student information system. The compliance officer may use this information to identify patterns of behavior and areas of concern;
6. Ensure implementation of the policy and procedure by overseeing the investigative processes, including ensuring that investigations are prompt, impartial, and thorough;
7. Assess the training needs of staff and students to ensure successful implementation throughout the district, and ensure staff receive annual fall training;
8. Provide the OSPI School Safety Center with notification of policy or procedure updates or changes on an annual basis; and
9. In cases where, despite school efforts, a targeted student experiences harassment, intimidation, or bullying that threatens the student's health and safety, the compliance officer will facilitate a meeting between district staff and the child's parents/guardians to develop a safety plan to protect the student. A sample student safety plan is available on the OSPI website: www.k12.wa.us/SafetyCenter/default.aspx.

G. Staff Intervention

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

H. Filing an Incident Reporting Form

Incident Reporting Forms may be used by students, families, or staff to report incidents of harassment, intimidation or bullying. A sample form is provided on the Office of Superintendent of Public Instruction's (OSPI) School Safety Center website: www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx

Any student or students who believe they have been the target of unresolved, severe, or persistent harassment, intimidation, or bullying, or any other person in the school community who observes or receives notice that a student has or may have been the target of unresolved, severe, or persistent harassment, intimidation, or bullying may report incidents verbally or in writing to any staff member.

I. Addressing Harassment, Intimidation, or Bullying – Reports

Step 1: Filing an Incident Reporting Form

In order to protect a targeted student from retaliation, a student need not reveal his identity on an Incident Reporting Form. The form may be filed anonymously, confidentially, or the student may choose to disclose his or her identity (non-confidential).

Status of Reporter

1. Anonymous

Individuals may file a report without revealing their identity. No disciplinary action will be taken against an alleged aggressor based solely on an anonymous report. Schools may identify complaint boxes, use online reporting processes, or develop other methods for receiving anonymous, unsigned reports. Possible responses to an anonymous report include enhanced monitoring of specific locations at certain times of day or increased monitoring of specific students or staff. (Example: An unsigned Incident Reporting Form dropped on a teacher's desk led to the increased monitoring of the boys' locker room in 5th period.

2. **Confidential**

Individuals may ask that their identities be kept secret from the accused and other students. Like anonymous reports, no disciplinary action will be taken against an alleged aggressor based solely on a confidential report. (Example: A student tells a playground supervisor about a classmate being bullied but asks that nobody know who reported the incident. The supervisor says, "I won't be able to punish the bullies unless you or someone else who saw it is willing to let me use their names, but I can start hanging out near the basketball court, if that would help.")

3. **Non-confidential**

Individuals may agree to file a report non-confidentially. Complainants agreeing to make their complaint non-confidential will be informed that due process requirements may require that the district release all of the information that it has regarding the complaint to any individuals involved in the incident, but that even then, information will still be restricted to those with a need to know, both during and after the investigation. The district will, however, fully implement the anti-retaliation provision of this policy and procedure to protect complainants and witnesses.

Step 2: Receiving an Incident Reporting Form

All staff are responsible for receiving oral and written reports. Whenever possible staff who initially receive an oral or written report of harassment, intimidation, or bullying will attempt to resolve the incident immediately. If the incident is resolved to the satisfaction of the parties involved, or if the incident does not meet the definition of harassment, intimidation, or bullying, no further action may be necessary under this procedure.

All reports of unresolved, severe, or persistent harassment, intimidation, or bullying will be recorded on a district Incident Reporting Form and submitted to the principal or designee, unless the principal or designee is the subject of the complaint.

Step 3: Investigations of Unresolved, Severe, or Persistent Harassment, Intimidation and Bullying

All reports of unresolved, severe, or persistent harassment, intimidation, or bullying will be investigated with reasonable promptness. Any student may have a trusted adult with them throughout the report and investigation process.

1. Upon receipt of the Incident Reporting Form that alleges unresolved, severe, or persistent harassment, intimidation, or bullying, the school or district designee will begin the investigation. If there is potential for clear and immediate physical harm to the complainant, the district will immediately contact law enforcement and inform the parent/guardian.
2. During the course of the investigation, the district will take reasonable measures to ensure that no further incidents of harassment, intimidation, or bullying occur between the complainant and the alleged aggressor. If necessary, the district will implement a safety plan (<https://www.k1wa.us/student-success/health-safety/school-safety-center/safety-planning-toolkit>) for the student(s) involved. The plan may include changing seating arrangements for the complainant and/or the alleged aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a safe person for the complainant; altering the alleged aggressor's schedule and access to the complainant, and other measures.

If, during the course of an investigation, the district employee conducting the investigation becomes aware of a potential violation of the district's nondiscrimination policy [Policy 3210], the investigator will promptly notify the district's civil rights compliance officer. Upon receipt of this information, the civil rights compliance officer must notify the complainant that their complaint will proceed under the discrimination complaint procedure in WAC 392-190-065 through WAC 392-190-075 as well as the HIB complaint procedure. The notice must be provided in a language that the complainant can understand. The investigation and response timeline for the discrimination complaint procedure will follow that set forth in WAC 392-190-065 and begins when the district knows or should have known that a written report of harassment, intimidation or bullying involves allegations of a violation of the district's nondiscrimination policy.

3. Within two (2) school days after receiving the Incident Reporting Form, the school designee will notify the families of the students involved that a complaint was received and direct the families to the district's policy and procedure on harassment, intimidation and bullying.
4. In rare cases, where after consultation with the student and appropriate staff (such as a psychologist, counselor, or social worker) the district has evidence that it would threaten the health and safety of the complainant or the alleged aggressor to involve his or her parent/guardian, the district may initially refrain from contacting the parent/guardian in its investigation of harassment, intimidation, or bullying. If professional school personnel suspect that a student is subject to abuse and neglect, they must follow district policy for reporting suspected cases to Child Protective Services.
5. The investigation will include, at a minimum:
 - a. An interview with the complainant;
 - b. An interview with the alleged aggressor;
 - c. A review of any previous complaints involving either the complainant or the alleged aggressor; and

- d. Interviews with other students or staff members who may have knowledge of the alleged incident.
- 6. The principal or designee may determine that other steps must be taken before the investigation is complete.
- 7. The investigation will be completed as soon as practicable but generally no later than five (5) school days from the initial complaint or report. If more time is needed to complete an investigation, the district will provide the parent/guardian and/or the student with weekly updates.
- 8. No later than two (2) school days after the investigation has been completed and submitted to the compliance officer, the principal or designee will respond in writing or in person to the parent/guardian of the complainant and the alleged aggressor stating:
 - a. The results of the investigation;
 - b. Whether the allegations were found to be factual;
 - c. Whether there was a violation of policy; and
 - d. The process for the complainant to file an appeal if the complainant disagrees with the results.

Because of the legal requirement regarding the confidentiality of student records, the principal or designee may not be able to report specific information to the targeted student's parent/guardian about any disciplinary action taken unless it involves a directive that the targeted student must be aware of in order to report violations.

If a district chooses to contact the parent/guardian by letter, the letter will be mailed to the parent/guardian of the complainant and alleged aggressor by United States Postal Service with return receipt requested unless it is determined, after consultation with the student and appropriate staff (psychologist, counselor, social worker) that it could endanger the complainant or the alleged aggressor to involve his or her family. If professional school personnel suspect that a student is subject to abuse or neglect, as mandatory reporters they must follow district policy for reporting suspected cases to Child Protective Services.

If the incident cannot be resolved at the school level, the principal or designee will request assistance from the HIB compliance officer.

Step 4: Corrective Measures for the Aggressor

After completion of the investigation, the school or district designee will institute any corrective measures necessary. Corrective measures will be instituted as quickly as possible, but in no event more than five (5) school days after contact has been made to the families or guardians regarding the outcome of the investigation. Corrective measures that involve student discipline will be implemented according to [district policy 3241](#), Student Discipline. If the accused aggressor is appealing the imposition of discipline, the district may be prevented by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded.

If in an investigation a principal or principal's designee found that a student knowingly made a false allegation of harassment, intimidation or bullying, that student may be subject to corrective measures, including discipline.

Step 5: Targeted Student's Right to Appeal

1. If the complainant or parent/guardian is dissatisfied with the results of the investigation, they may appeal to the superintendent or his or her designee by filing a written notice of appeal within five (5) school days of receiving the written decision. The superintendent or his or her designee will review the investigative report and issue a written decision on the merits of the appeal within five (5) school days of receiving the notice of appeal.
2. If the targeted student remains dissatisfied after the initial appeal to the superintendent, the student may appeal to the school board by filing a written notice of appeal with the secretary of the school board on or before the fifth (5) school day following the date upon which the complainant received the superintendent's written decision.
3. An appeal before the school board or disciplinary appeal council must be heard on or before the tenth (10th) school day following the filing of the written notice of appeal to the school board. The school board or disciplinary appeal council will review the record and render a written decision on the merits of the appeal on or before the fifth (5th) school day following the termination of the hearing, and will provide a copy to all parties involved. The board or council's decision will be the final district decision.

Step 6: Discipline/Corrective Action

The district will take prompt and equitable corrective measures within its authority on findings of harassment, intimidation or bullying. Depending on the severity of the conduct, corrective measures

may include counseling, education, discipline, and/or referral to law enforcement.

Corrective measures for a student who commits an act of harassment, intimidation, or bullying will be varied and graded according to the nature of the behavior, the developmental age of the student, or the student's history of problem behaviors and performance. Corrective measures that involve student discipline will be implemented according to [district policy 3241](#), Student Discipline.

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

If staff have been found to be in violation of this policy and procedure, school districts may impose employment disciplinary action, up to and including termination. If a certificated educator is found to have committed a violation of [WAC 181-87](#), commonly called the Code of Conduct for Professional Educators, OSPI's Office of Professional Practices may propose disciplinary action on a certificate, up to and including revocation. Contractor violations of this policy may include the loss of contracts.

Step 7: Support for the Targeted Student

Persons found to have been subjected to harassment, intimidation or bullying will have appropriate district support services made available to them, and the adverse impact of the harassment on the student will be addressed and remedied as appropriate.

I. Immunity/Retaliation

No school employee, student, or volunteer may engage in reprisal or retaliation against a targeted student, witness, or other person who brings forward information about an alleged act of harassment, intimidation or bullying. Retaliation is prohibited and will result in appropriate discipline.

J. Other Resources

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

- OSPI Equity and Civil Rights Office (for discrimination complaints)
360.725.6162
Email: equity@k12.wa.us
<https://www.k12.wa.us/policy-funding/equity-and-civil-rights>
- Washington State Human Rights Commission
800.233.3247
www.hum.wa.gov/index.html
- Office for Civil Rights, U.S. Department of Education, Region IX
206.607.1600
Email: OCR.Seattle@ed.gov
www.ed.gov/about/offices/list/ocr/index.html
- Department of Justice Community Relations Service
877.292.3804
www.justice.gov/crt/
- Office of the Education Ombuds
866.297-2597
Email: OEOinfo@gov.wa.gov
<http://oeo.wa.gov/>
- OSPI Safety Center
360.725-6044
<https://www.k12.wa.us/student-success/health-safety/school-safety-center>

K. Other District Policies and Procedures

Nothing in this policy or procedure is intended to prohibit discipline or remedial action for inappropriate behaviors that do not rise to the level of harassment, intimidation or bullying as defined in this policy but which are, or may be, prohibited by other district or school rules.

3210 Nondiscrimination

The district will provide equal educational opportunity and treatment for all students in all aspects of the academic and activities program without discrimination based on race, religion, creed, color, national origin, age, honorably-discharged veteran or military status, sex, sexual orientation, gender expression or identity, marital 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. The district will provide equal access to school facilities to the Boy Scouts of America and all other designated youth groups listed in Title 36 of the United States Code as a patriotic society. District programs will be free from sexual harassment. Auxiliary aids and services will be provided upon request to individuals with disabilities.

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

The district's nondiscrimination statement will be included in all written announcements, notices, recruitment materials, employment applications, and other publications made available to all students, parents, or employees. The statement will include: 1) notice that the district will not discriminate in any programs or activities on the basis of any of the above-listed categories; 2) the name and contact information of the district's compliance officer designated to ensure compliance with the policy; and 3) the names and contact information of the district's Section 504 and Title IX compliance officers.

The district will annually publish notice reasonably calculated to inform students, students' parents/guardians (in a language that they can understand, which may require language assistance), and employees of the district's discrimination complaint procedure.

The superintendent will designate a staff member to serve as the compliance officer for this policy. The compliance officer will be responsible for investigating any discrimination complaints communicated to the district.

The district will provide training to administrators and certificated and classroom personnel regarding their responsibilities under this policy and to raise awareness of and eliminate bias and discrimination based on the protected classes identified in this policy.

Procedure - Nondiscrimination

This complaint procedure is adopted in accordance with chapter 392-190 WAC.

Complainant

Anyone may file a complaint against the district alleging that it has violated anti-discrimination laws. The person filing the complaint is referred to as the "complainant."

Formal Complaint

A formal complaint must be in writing and describe the specific acts, conditions, or circumstances alleged to violate anti-discrimination laws.

A complaint must be filed within one year of the occurrence giving rise to the complaint. The deadline will not be imposed if the complainant was prevented from filing a complaint because (1) the district specifically misrepresented that it had resolved the problem forming the basis of the complaint or (2) the district withheld information it was required to provide under chapter 392-190 WAC.

A complaint may be filed by mail, fax, email, or hand delivery to any district or school administrator or to the compliance officer.

Informal Complaint

A complainant may bring an informal (i.e., oral) complaint to the district. If that occurs, the compliance officer or their designee will schedule a meeting to discuss the informal complaint and how to resolve the complainant's concerns. Using this informal process does not limit the complainant's right to file a formal complaint. Further, as part of this informal process, the district will notify the complainant in writing about their right to file a formal complaint. The notice will be in a language the complainant can understand, which may require language assistance in accordance with Title VI of the Civil Rights Act of 1964 for complainants with limited English proficiency.

Receiving a Formal Complaint

Any district or school administrator who receives a formal complaint will promptly notify the compliance officer. Once the compliance officer receives a complaint, they will do the following:

1. Provide the complainant with a copy of Policy 3210 and this procedure in a language they can understand, which may require language assistance in accordance with Title VI of the Civil Rights Act of 1964 for complainants with limited English proficiency.
2. Ensure that the district conducts a prompt and thorough investigation into the allegations in the complaint.

In lieu of investigating, the district and the complainant may agree to resolve the complaint. If the complaint is resolved, no further action is necessary.

Written Response to a Formal Complaint

After completing the investigation, the compliance officer or their designee will give the superintendent a full written report of the complaint and the investigation results.

The superintendent or their designee will issue a written response to the complainant within thirty calendar days after the district receives the formal complaint. The thirty-day timeline can be extended if agreed to by the complainant or if exceptional circumstances related to the complaint require an extension. If an extension is needed, the district will notify the complainant in writing of the reasons for the extension and the anticipated response date. The notice will be in a language the complainant can understand, which may require language assistance in accordance with Title VI of the Civil Rights Act of 1964 for complainants with limited English proficiency.

The written response must include a summary of the results of the investigation; a finding as to whether the district failed to comply with anti-discrimination laws; notice to the complainant of their right to appeal, including where and to whom the appeal must be filed; and, if the district failed to comply with anti-discrimination laws, the corrective measure deemed necessary to correct the noncompliance. Any corrective measures must be instituted as expeditiously as possible but no later than thirty calendar days after the written response is issued unless otherwise agreed to by the complainant. The written response will be in a language the complainant can understand, which may require language assistance in accordance with Title VI of the Civil Rights Act of 1964 for complainants with limited English proficiency.

The district will send a copy of the written response to the Office of the Superintendent of Public Instruction (OSPI) when it sends the response to the complainant.

Appeal to the Board

If a complainant disagrees with the superintendent's written response, they may appeal to the board. The appeal must be in writing and filed with the superintendent within ten calendar days of receiving the written response.

The board must issue a written appeal decision within thirty calendar days of receiving the appeal unless the complainant agrees otherwise. The board may schedule a meeting to hear from the complainant and district representatives before issuing its decision. If it doesn't schedule a meeting, the board will consider the investigation report, the written response, and any documentation the complainant submits before making its decision.

The appeal decision must include notice of the complainant's right to file a complaint with OSPI under WAC 392-190-075. The district will send a copy of the appeal decision to OSPI.

The appeal decision will be in a language the complainant can understand, which may require language assistance in accordance with Title VI of the Civil Rights Act of 1964 for complainants with limited English proficiency.

Complaint to OSPI

If a complainant disagrees with the board's decision, or if the district fails to comply with this procedure, the complainant may file a complaint with OSPI.

A complaint must be received by OSPI on or before the twentieth calendar day following the date upon which the complainant received the board's decision unless OPSI grants an extension for good cause.

Complaints may be submitted by mail, fax, email, or hand delivery.

A complaint must be in writing and include the following: (1) a description of the specific acts, conditions or circumstances alleged to violate applicable anti-discrimination laws; (2) the name and contact information, including address, of the complainant; (3) the name and address of the district subject to the complaint; (4) a copy of the district's written response and appeal decision, if any; and (5) a proposed resolution of the complaint or relief requested. If the allegations regard a specific student, the complaint must also include the student's name and address and the name of the school and school district the student attends. If the student is homeless, the complaint should include contact information.

Upon receipt of a complaint, OSPI may initiate an investigation, which may include conducting an independent on-site review. OSPI may also investigate additional issues related to the complaint that were not included in the initial complaint or appeal to the board.

Following the investigation, OSPI will make an independent determination as to whether the district has failed to comply with chapter 392-190 WAC or OSPI's guidelines and will issue a written decision to the complainant and the district that addresses each allegation in the complaint and any other noncompliance issues it has identified. The written decision will include corrective actions deemed necessary to correct noncompliance and documentation the district must provide to demonstrate that corrective action has been completed.

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

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

Administrative Hearing

The complainant or the district may appeal OSPI's written decision by filing a written notice of appeal with OPSI within thirty calendar days of receiving the decision. OSPI will conduct a formal administrative hearing in accordance with the Administrative Procedures Act, chapter 34.05 RCW.

Mediation

The district may offer mediation at any time during the complaint procedure. The purpose of mediation is to offer the complainant and the district an opportunity to resolve disputes and reach an acceptable agreement concerning the complaint using an impartial mediator. The parties may agree to extend the complaint procedure deadlines to pursue mediation.

Mediation is voluntary, requires the agreement of both parties, and may be terminated by either party at any time.

The mediator must be impartial, may not be an employee of the district or any agency providing education or related services to a student who is involved in the mediation, and

must not have a personal or professional conflict of interest. A person is not disqualified as a mediator solely because the district pays them to serve as a mediator.

If the parties resolve a dispute through mediation, they may execute a legally binding agreement that describes the resolution, states that all discussions that occurred during mediation will remain confidential and may not be used as evidence in any subsequent complaint, due process hearing, or civil proceeding, and is signed by the complainant and the district's representative.

Recordkeeping

The compliance officer's office will maintain documentation for each complaint received (e.g., the complaint, notices, the investigation report, the written response, the appeal decision, documentation of corrective measures, etc.) for six years.

Gender-Inclusive Schools

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

This policy is a component of the district's responsibility to create and maintain a safe, civil, respectful and inclusive learning community and will be implemented in conjunction with comprehensive training of staff and volunteers. Specific training requirements are included in the accompanying procedure. The superintendent will appoint a primary contact to receive copies of all formal and informal complaints and ensure policy implementation. The name and contact information for the compliance officer will be communicated throughout the district. The district compliance officer will participate in at least one mandatory training opportunity offered by OSPI.

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

Procedure -Student Discipline

Introduction

The purpose of this student discipline procedure is to implement the District's student discipline policy as adopted by the Board. These procedures are consistent with the Board's student discipline policy, as well as all applicable federal and state laws.

Definitions

For purposes of the student disciplinary policy and procedures, the following definitions will apply:

- **"Behavioral violation"** means a student's behavior that violates the district's discipline policies.
- **"Best practices and strategies"** refers to other forms of discipline the district identified that school personnel should administer to support students in meeting behavioral expectations.
- **"Classroom exclusion"** means the exclusion of a student from a classroom or instructional or activity area for behavioral violations, subject to the requirements of WAC [392-400-330](#) and [392-400-335](#). Classroom exclusion does not include actions that result in missed instruction for a brief duration when:
 - (a) A teacher or other school personnel attempts other forms of discipline to support the student in meeting behavioral expectations; and
 - (b) The student remains under the supervision of the teacher or other school personnel during such brief duration.
- **"Culturally responsive"** has the same meaning as "cultural competency" in RCW [28A.410.270](#), which states "cultural competency" includes knowledge of student cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and parent outreach; and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students.
- **"Discipline"** means any action taken by a school district in response to behavioral violations.
- **"Disruption of the educational process"** means the interruption of classwork, the creation of disorder, or the invasion of the right of a student or group of students.
- **"Emergency expulsion"** means the removal of a student from school because the student's presence poses an immediate and continuing danger to the students or school personnel, or an immediate and continuing threat of material and substantial disruption of the education process, subject to the requirements in WAC [392-400-510](#) through [392-400-530](#).
- **"Expulsion"** means a denial of admission to the student's current school placement in response to a behavioral violation, subject to the requirements in WAC [392-400-430](#) through [392-400-480](#).

- **“Length of an academic term”** means the total number of school days in a single trimester or semester, as defined by the board of directors.
- **“Other forms of discipline”** means actions used in response to problem behaviors and behavioral violations, other than classroom exclusion, suspension, expulsion, or emergency expulsion, which may involve the use of best practices and strategies included in the state menu for behavior developed under RCW [28A.165.035](#).
- **“Parent”** has the same meaning as in WAC 392-172A-01125, and means (a) a biological or adoptive parent of a child; (b) a foster parent; (c) a guardian generally authorized to act as the child’s parent, or authorized to make educational decisions for the student, but not the state, if the student is a ward of the state; (d) an individual acting in the place of a biological or adoptive parent, including a grandparent, stepparent, or other relative with whom the student lives, or an individual who is legally responsible for the student’s welfare; or a surrogate parent who has been appointed in accordance with WAC 392-172A-05130. If the biological or adoptive parent is attempting to act as the parent and more than one party meets the qualifications to act as a parent, the biological or adoptive parent must be presumed to be the parent unless he or she does not have legal authority to make educational decisions for the student. If a judicial decree or order identifies a specific person or persons to act as the “parent” of a child or to make educational decision on behalf of a child, then that person or persons shall be determined to be the parent for purposes of this policy and procedure.
- **“School board”** means the governing board of directors of the local school district.
- **“School business day”** means any calendar day except Saturdays, Sundays, and any federal and school holidays upon which the office of the Superintendent is open to the public for business. A school business day concludes or terminates upon the closure of the Superintendent’s office for the calendar day.
- **“School day”** means any day or partial day that students are in attendance at school for instructional purposes.
- **“Suspension”** means the denial of attendance in response to a behavioral violation from any subject or class, or from any full schedule of subjects or classes, but not including classroom exclusions, expulsions, or emergency expulsions. Suspension may also include denial of admission to or entry upon, real and personal property that is owned, leased, rented, or controlled by the district.
 - **In-school suspension** means a suspension in which a student is excluded from the student’s regular educational setting but remains in the student’s current school placement for up to ten consecutive school days, subject to the requirements in WAC 392-400-430 through [392-400-475](#).
 - **Short-term suspension** means a suspension in which a student is excluded from school for up to ten consecutive school days, subject to the requirements in WAC [392-400-430](#) through [392-400-475](#).
 - **Long-term suspension** means a suspension in which a student is excluded from school for more than ten consecutive school days, subject to the requirements in [WAC 392-400-430](#) through [392-400-475](#).

Engaging with Families & Language Assistance

The district will provide for early involvement of parents in efforts to support students in meeting behavioral expectations. Additionally, school personnel will make every reasonable attempt to involve the student and parent in the resolution of behavioral violations.

The district will ensure that it provides all discipline related communications (oral and written) required in connection with this policy and procedure in a language the student and parent(s) understand. These discipline related communications include notices, hearings conferences, meeting, plans, proceedings, agreements, petitions, and decisions. This effort may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964. This effort may require accommodations for parents and students with communication disabilities. For parents who are unable to read any language, the district will provide written material orally.

Supporting Students with Best Practices and Strategies

The District will implement culturally responsive discipline that provides every student the opportunity to achieve personal and academic success. The administration of other forms of discipline may involve the use of best practices and strategies included in the state menu for behavior available online at:

<https://www.k12.wa.us/student-success/support-programs/learning-assistance-program-lap/menus-best-practices-strategies/behavior-menu-best-practices-strategies>. Each District school will take into consideration the skills of school personnel and needs of students when identifying a continuum of best practices and strategies school personnel should use to support students in meeting behavioral expectations.

The District will ensure schools receive adequate support to effectively implement a continuum of Identified best practices and strategies that:

1. Focus on prevention to reduce the use of exclusionary discipline practices;
2. Allow the exercise of professional judgement and skill sets; and
3. May be adapted to individual student needs in a culturally responsive manner.

In accordance with WAC 392-400-110(1)(e), the District has identified the following continuum of best practices and strategies that school personnel should administer before or instead of exclusionary discipline to support students in meeting behavioral expectations;

1. Strategies focused on prevention to reduce the use of exclusionary discipline practices
2. Allow the exercise of professional judgement and skill sets; and
3. Adapt to individual student needs in a culturally responsive manner.
4. Multi-tiered system of supports (TSS)
5. Positive behavioral interventions and supports (PBIS framework)

All school personnel are authorized to implement the best practices and strategies identified above as well as building discipline standards. At least annually, school personnel at each District school will review the identified best practices and strategies as well as building discipline standards. The District will provide training for newly hired school personnel on implementation of the identified best practices and strategies.

Unless a student's presence poses an immediate and continuing danger to others, or a student's presence poses an immediate and continuing threat of material and substantial disruption to the educational process, school personnel must first attempt one or more best practices and strategies to support students in meeting behavioral expectations before considering imposing classroom exclusion, short-term suspension, or in-school suspension. Before considering imposing a long-term suspension or expulsion, school personnel must first consider one or more best practices and strategies.

When administering best practices and strategies in response to behavioral violations, school personnel will follow this policy and procedure as well as building discipline standards.

Behavioral Violations

Having sought the participation of school personnel, students, parents, families, and the community, the District has developed definitions for behavioral violations, which clearly state the types of behaviors for which discipline-including other forms of discipline, classroom exclusion, suspension, and expulsion-may be administered:

The District will continue to further develop and/or revise the definitions for what constitutes behavioral violations to reduce the effect of implicit or unconscious bias. In addition to these District definitions, school principals will confer with certificated building employees at least annually to develop and/or review building discipline standards as stated in the Board Policy. This development of building standards will also address differences in perceptions of subjective behaviors and reduce the effect of implicit or unconscious bias.

Staff Authority and Exclusionary Discipline

District staff members are responsible for supervising students immediately before and after the school day; during the school day; during school activities (whether on or off campus); on school grounds before or after school hours when a school group or school activity is using school grounds; off school grounds, if the actions of the student materially or substantially affect or interferes with the educational process; and on the school bus. Staff have the responsibility to provide a safe and supportive learning environment for all students during school-related activities. In accordance with the Board's student discipline policy, district staff will administer discipline in ways that respond to the needs and strengths of students, support students in meeting behavioral expectations, and keep students in the classroom to the maximum extent possible.

Staff members will seek early involvement of parents in efforts to support students in meeting behavioral expectations. The Superintendent has general authority to administer discipline, including all exclusionary discipline.

Exclusions from transportation or extra-curricular activities and detention

The Superintendent administers other forms of discipline that exclude a student from transportation services or extracurricular activities or impose detention. For students who meet the definition of homeless, the district will provide transportation according to 3115 – Students Experiencing Homelessness – Enrollment Rights and Services Policy 3115.

Authorized staff may administer lunch or afterschool detention on any given day. Before assigning detention, the staff member will inform the student of the specific behavioral violation prompting their decision to administer detention and provide the student with an opportunity to share their perspective and explanation regarding the behavioral violation.

At least one school personnel will directly supervise students during the duration of any detention.

The district will not administer other forms of discipline in a manner that would result in the denial or delay of a nutritionally adequate meal to a student or prevent a student from accomplishing a specific academic grade, subject, or graduation requirements. The district will not exclude a student from transportation services without providing access to alternative transportation the student needs to participate fully in regular educational services or educational services provided during suspension or expulsion.

Students and parents may challenge the administration of other forms of discipline, including exclusions from transportation or extra-curricular activities and detentions using the district's grievance procedures.

Classroom exclusions

After attempting at least one other form of discipline, as set forth in this procedure, teachers have statutory authority to exclude a student from the teacher's classroom or instructional or activity area for behavioral violations that disrupt the educational process while the student is under the teacher's immediate supervision in accordance with this policy and procedure and building discipline standards. As stated in policy 3241, the Superintendent, school principals, and certificated staff will work together to develop definitions and consensus on what constitutes behavioral violations that disrupt the educational process to reduce the effect of implicit or unconscious bias.

Except for emergency circumstances, the teacher or other school personnel must first attempt one or more other forms of discipline to support the student meeting behavioral expectations before considering using classroom exclusion. Classroom exclusion may be administered for all or any portion of the balance of the school day. Classroom exclusion does not encompass removing a student from school, including sending a student home early or telling a parent to keep a student at home, based on a behavioral violation. Removing a student from school constitutes a suspension, expulsion, or emergency expulsion and must include the required notification and due process outlined in the procedures below.

The school will provide the student an opportunity to make up any assignments and tests missed during a classroom exclusion. The district will not administer other forms of discipline or classroom exclusions, in a manner that would result in the denial of a nutritionally adequate meal to a student or prevent a student from accomplishing a specific academic grade, subject, or graduation requirements.

Following the classroom exclusion of a student, the teacher (or other school personnel as identified) must report the classroom exclusion, including the behavioral violation that led to the classroom exclusion, to the principal or the principal's designee as soon as reasonably possible. The principal or designee must report all classroom exclusions, including the behavioral violation that led to it to the Superintendent. Classroom exclusion under the behavioral violation category of "other" is insufficient.

The teacher, principal, or the principal's designee must notify the student's parents regarding the classroom exclusion as soon as reasonably possible. As noted above, the district must ensure that this notification is in a language and form (i.e. oral or written) the parents understand.

When the teacher or other authorized school personnel administers a classroom exclusion because the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process:

- (a) The teacher or other school personnel must immediately notify the principal or the principal's and administer appropriate discipline.
- (b) The principal or the principal's designee must meet with the student as soon as reasonably possible and administer discipline.

The district will address student and parent grievances regarding classroom exclusion through the district's following grievance procedures.

Grievance procedures for classroom exclusion and other forms of discipline

Any parent/guardian or student who is aggrieved by the administration of classroom exclusion and/or other forms of discipline, including discipline that excludes a student from transportation or extra-curricular activities and detention has the right to an informal conference with the principal for resolving the grievance. If the grievance pertains to the action of an employee, the district will notify that employee of the grievance as soon as reasonably possible.

At such conference, the student and parent will have the opportunity to voice issues and concerns related to the grievance and ask questions of staff members involved in the grievance matter. Staff members will have an opportunity to respond to the issues and questions related to the grievance matter. Additionally, the principal will have opportunity to address issues and questions raised and to ask questions of the parent, student, and staff members.

If after exhausting this remedy the grievance is not yet resolved, the parent and student will have the right, upon two (2) school business days prior notice, to present a written and/or oral grievance to the Superintendent or designee. The Superintendent or designee will provide the parent and student with a written copy of its response to the grievance within ten (10) school business days. Use of the grievance process will not impede or postpone the disciplinary action, unless the principal or Superintendent elects to postpone the disciplinary action.

Student disciplinary board

The board recognizes that when a student's behavior is subject to disciplinary action, review by a panel of the student's peers may positively influence the student's behavior. The board has discretion to authorize the establishment of one or more student disciplinary boards, which may also include teachers, administrators, parents, or any combination thereof. If so authorized, the district will ensure that the student disciplinary board reflects the demographics of the student body. The student disciplinary board may recommend to the appropriate school authority other forms of discipline that might benefit the student's behavior and may also provide input on whether exclusionary discipline is needed. The school authority has discretion to set aside or modify the student disciplinary board's recommendation.

Suspension and expulsion – general conditions and limitations

The district's use of suspension and expulsion will have a real and substantial relationship to the lawful maintenance and operation of the school district, including but not limited to, the preservation of the health and safety of students and employees and the preservation of an educational process that is conducive to learning. The district will not administer discipline including suspension and expulsion, in any manner related to a student's performance of a failure to perform any act not related to the orderly operation of the school or school-sponsored activities or any other aspect of preserving the educational process. The district will not administer any discipline including suspension and expulsion, in a manner that would result in the denial or delay of a nutritionally adequate meal to a student or prevent a student from accomplishing a specific academic grade, subject, or graduation requirements.

The district will provide the parent(s) opportunity for involvement to support the student and resolve behavioral violations before administering suspension or expulsion. Additionally, the Superintendent or designee must consider the student's individual circumstances and the nature of the violation before administering any suspension or expulsion to determine whether the suspension or expulsion, and the length of the exclusion, is warranted.

The principal or designee at each school must report all suspensions and expulsions, including the behavioral violation that led to the suspension or expulsion, to the superintendent or designee within twenty-four (24) hours after the administration. Suspension or expulsion under the behavioral violation category of "other" is insufficient.

An expulsion or suspension of a student may not be for an indefinite period and must have an end date. After suspending or expelling a student, the district will make reasonable efforts to return the student to the student's regular educational setting as soon as possible. Additionally, the district must allow the student to petition for readmission at any time. The district will not administer any discipline in a manner that prevents a student from completing subject, grade-level, or graduation requirements.

When administering a suspension or expulsion, the district may deny a student admission to, or entry upon, real and personal property that the district owns, leases, rents, or controls. The district must provide an opportunity for students to receive educational services during a suspension or expulsion in accordance with WAC [392-400-610](#). The district will not suspend or expel a student from school for absences or tardiness.

If during a suspension or expulsion the district enrolls a student in another program or course of study, the district may not preclude the student from returning to the student's regular educational setting following the end of the suspension or expulsion, unless one of the following applies:

The Superintendent or designee grants a petition to extend a student's expulsion under WAC [392-400-480](#);

The change of setting is to protect victims under WAC [392-400-810](#); or

Other law precludes the student from returning to their regular educational setting.

In-school suspension and short-term suspension – conditions and limitations

The Superintendent has the authority to administer in-school and short-term suspension. Before considering administering an in-school or short-term suspension, staff members must have first attempted one or more other forms of discipline to support the student in meeting behavioral expectations. Before administering in-school or short-term suspension, the district will consider the student's individual circumstances and the nature and circumstances of the behavioral violation to determine whether the suspension and the length of the suspension is warranted. The district will not administer in-school or short-term suspension in a manner that would result in the denial or delay of a nutritionally adequate meal to a student or prevent a student from accomplishing a specific academic grade, subject, or graduation requirements.

The district is not required to impose in-school or short-term suspension and instead, strives to keep students in school, learning in a safe and appropriate environment. However, there are circumstances when the district may determine that in-school or short-term suspension is appropriate. As stated in this policy and procedure, the district will work to develop definitions and consensus on what constitutes behavioral violations to reduce the effect of implicit or unconscious bias.

For students in kindergarten through fourth grade, the district will not administer in-school or short-term suspension for more than 10 (10) cumulative school days during any academic term. For students in grades five through twelve, the district will not administer in-school or short-term suspension for more than fifteen (15) cumulative school days during any single semester, or more than ten (10) cumulative school days during any single trimester. Additionally, the district will not administer a short-term or in-school suspension beyond the school year in which the behavioral violation occurred.

The district will not administer in school or short-term suspensions in a manner that would result in the denial or delay of a nutritionally adequate meal to a student.

When administering an in-school suspension, school personnel will ensure they are physically in the same location as the student to provide direct supervision during the duration of the in-school suspension.

Additionally, school personnel will ensure they are accessible to offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes.

Long-term suspensions and expulsions – conditions and limitations

Before administering a long-term suspension or an expulsion, district personnel must consider other forms of discipline to support the student in meeting behavioral expectations. The district must also consider the other general conditions and limitations listed above.

Unless otherwise required by law the district is not required to impose long-term suspension or expulsion and may only administer long-term suspension or expulsion for specific severe behavioral violations. In general, the district strives to keep students in school, learning in a safe and appropriate environment. However, in accordance with the other parameters of this policy there are circumstances when the district may determine that long-term suspension or expulsion is appropriate for behavioral violations that meet the definitions provided under RCW [28A.600.015](#) (6) (a) through (d), which include:

- a. Having a firearm on school property or school transportation in violation of RCW 28A.600.420;
- b. Any of the following offenses listed in RCW [13.04.155](#), including:
 - i. any violent offense as defined in RCW 9.94A.030, including:
 - o any felony that Washington law defines as a class A felony or an attempt, criminal conspiracy, or solicitation to commit a class A felony;
 - o manslaughter;
 - o indecent liberties committed by forcible compulsion;
 - o kidnapping;
 - o arson;
 - o assault in the second degree;
 - o assault of a child in the second degree;
 - o robbery;
 - o drive-by shooting; and
 - o vehicular homicide or vehicular assault caused by driving a vehicle while under the influence of intoxicating liquor or any drug, or by operating a vehicle in a reckless manner.
 - ii. any sex offense as defined in RCW [9.94A.030](#), which includes any felony violation of chapter [9A.44](#) RCW (other than failure to registered as a sex offender in violation of [9A.44.132](#)) including rape, rape of a child, child molestation, sexual misconduct with a minor, indecent liberties, voyeurism, and any felony conviction or adjudication with a sexual motivation finding;
 - iii. any weapons violation of chapter [9.41](#) RCW, including having a dangerous weapon at school in violation of RCW [941.280](#); or
 - iv. unlawful possession or delivery, or both, of a controlled substance in violation of chapter [69.50](#) RCW.
- c. Two or more violations of the following within a three-year period
 - i. criminal gang intimidation in violation of RCW [9A.46.120](#);
 - ii. gang activity on school grounds in violation of RCW [28A.600.455](#);
 - iii. willfully disobeying school administrative personnel in violation of RCW [28A.635.020](#); and
 - iv. defacing or injuring school property in violation of RCW [28A.635.060](#); and
- d. Any student behavior that adversely affects the health or safety of other students or educational staff.

The district may only administer long-term suspension or expulsion for behavioral violations that meet the definitions provided under RCW [28A.600.015\(6\)\(a\)](#) through (d) as outlined above, and after determining that the student would pose an imminent danger to others or, in the case of long-term suspensions, an imminent threat of material and substantial disruption of the educational process should they return to school before an imposed length of exclusion. Consistent with this policy and procedure, the district will work to develop

definitions and consensus on what constitutes an imminent danger or imminent threat to reduce the effect of implicit or unconscious bias.

A long-term suspension may not exceed the length of an academic term. The district may not administer a long-term suspension beyond the school year in which the behavioral violation occurred.

An expulsion may not exceed the length of an academic term, unless the Superintendent grants a petition to extend the expulsion under WAC [392-400-480](#). The district is not prohibited from administering an expulsion beyond the school year in which the behavioral violation occurred.

In accordance with RCW [28A.600.420](#), a school district must expel a student for no less than one year if the district has determined that the student has carried or possessed a firearm on a school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools. The Superintendent may modify the expulsion on a case-by-case basis.

A school district may also suspend or expel a student for up to one year if the student acts with malice (as defined under RCW [9A.04.110](#)) and displays an instrument that appears to be a firearm on school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools. These provisions do not apply to students while engaged in a district authorized military education; a district authorized firearms convention or safety course; or district authorized rifle competition.

Except for a firearm violation under WAC [392-400-820](#), the district will not impose a long-term suspension or an expulsion for any student in kindergarten through fourth grade.

If a long-term suspension or expulsion may exceed ten (10) days, the district will consider whether the student is currently eligible or might be deemed eligible for special education services. If so, the principal will notify relevant special education staff of the suspension or expulsion so that the district can ensure it follows policy and procedure 2161 – Special Education and Related Services for Eligible Students as well as this student discipline policy and procedure.

After suspending or expelling a student, the district will make reasonable efforts to return the student to the student’s regular educational setting as soon as possible.

Suspensions and expulsions – initial hearing

Before administering any suspension or expulsion, the district will attempt to notify the student’s parent(s) as soon as reasonably possible regarding the behavioral violation and the principal or designee will conduct an informal initial hearing with the student to hear the student’s perspective. At the initial hearing, the principal or designee must provide the student an opportunity to contact their parent(s), or, in the case of long-term suspension or expulsion, the principal or designee must make a reasonable attempt to contact their parent(s) to provide an opportunity for the parents to participate in the initial hearing in person or by telephone. The district must hold the initial hearing in a language the student and parents understand.

At the initial hearing, the principal or designee will provide the student:

- Notice of the student’s violation of this policy;
- An explanation of the evidence regarding the behavioral violation;
- An explanation of the discipline that may be administered; and

- An opportunity for the student to share their perspective and provide explanation regarding the behavioral violation.

Suspensions and expulsions – notice

Following the initial hearing, the principal or designee will inform the student of the disciplinary decision regarding the behavioral violation, including the date when any suspension or expulsion will begin and end.

No later than one (1) school business day following the initial hearing with the student, the district will provide written notice of the suspension or expulsion to the student and parents in person, by mail, or by email in a language and form the student and parents will understand. The written notice must include:

- a. A description of the student’s behavior and how the behavior violated this policy;
- b. The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;
- c. The other forms of discipline that the district considered or attempted, and an explanation of the district’s decision to administer the suspension or expulsion;
- d. The opportunity to receive educational services during the suspension or expulsion
- e. The right of the student and parent(s) to an informal conference with the principal or designee; and
- f. The right of the student and parent(s) to appeal the suspension or expulsion; and
- g. For any long-term suspension or expulsion the opportunity for the student and parents to participate in a reengagement meeting.

Emergency expulsions – conditions and limitations

The district may immediately remove a student from the student’s current school placement, subject to the following requirements:

The district must have sufficient cause to believe that the student’s presence poses:

- An immediate and continuing danger to other students or school personnel; or
- An immediate and continuing threat of material and substantial disruption of the educational process.

The district may not impose an emergency expulsion solely for investigating student conduct.

For purposes of determining sufficient cause for an emergency expulsion, the phrase “immediate and continuing threat of material and substantial disruption of the educational process” means:

- The student’s behavior results in an extreme disruption of the educational process that creates a substantial barrier to learning for other students across the school day; and
- School personnel have exhausted reasonable attempts at administering other forms of discipline to support the student in meeting behavioral expectations.

An emergency expulsion may not exceed ten consecutive school days. An emergency expulsion must end or be converted to another form of discipline within ten (10) school days from its start.

If the district converts an emergency expulsion to a suspension or expulsion, the district must:

- (a) Apply any days that the student was emergency expelled before the conversion to the total length of the suspension or expulsion; and
- (b) Provide the student and parents with notice and due process rights under WAC [392-400-430](#) through [392-400-480](#) appropriate to the new disciplinary action.

All emergency expulsions, including the reason the student's presence poses an immediate and continuing danger to other students or school personnel, must be reported to the Superintendent or designee within twenty-four (24) hours after the state of the emergency expulsion.

Emergency expulsions – notice

After an emergency expulsion, the district must attempt to notify the student's parents, as soon as reasonably possible, regarding the reason the district believes the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the education process.

Within twenty-four (24) hours after an emergency expulsion, the district will provide written notice to the student and parents in person, by mail, or by email. The written notice must include:

- The reason the student's presence poses an immediate and continuing danger to students or school personnel, or poses an immediate and continuing threat of material and substantial disruption of the educational process;
- The duration and conditions of the emergency expulsion, including the date on which the emergency expulsion will begin and end;
- The opportunity to receive educational services during the emergency expulsion;
- The right of the student and parent(s) to an informal conference with the principal or designee; and
- The right of the student and parent(s) to appeal the emergency expulsion, including where and to whom the appeal must be requested.

Optional conference with principal

If a student or the parents disagree with the district's decision to suspend expel, or emergency expel the student, the student or parent(s) may request an informal conference with the principal or designee to resolve the disagreement. The parent or student may request an informal conference orally or in writing.

The principal or designee must hold the conference within three (3) school business days after receiving the request, unless otherwise agreed to by the student and parent(s).

During the informal conference, the student and parent(s) will have the opportunity to share the student's perspective and explanation regarding the behavioral violation and the events that led to the exclusion. The student and parent will also have the opportunity to confer with the principal or designee and school personnel involved in the incident that led to the suspension or expulsion and discuss other forms of discipline that the district could administer.

An informal conference will not limit the right of the student or parent(s) to appeal the suspension, expulsion, or emergency expulsion, participate in a reengagement meeting, or petition for readmission.

Appeals

Requesting appeal

The appeal provisions for in-school and short-term suspension differ from those for long-term suspension and expulsion. The appeal provisions for long-term suspension or expulsion and emergency expulsion have similarities but the timelines differ.

A student or the parent(s) may appeal a suspension, expulsion, or emergency expulsion to the Superintendent or designee orally or in writing. For suspension or expulsion, the request to appeal must be within five (5) school business days from when the district provided the student and parent with written notice. For emergency expulsion, the request to appeal must be within three (3) school business days from when the district provided the student and parent with written notice.

When an appeal for long-term suspension or expulsion is pending, the district may continue to administer the long-term suspension or expulsion during the appeal process, subject to the following requirements:

- The suspension or expulsion is for no more than ten (10) consecutive school days for the initial hearing or until the appeal is decided, whichever is earlier;
- The district will apply any days of suspension or expulsion occurring before the appeal is decided to the term of the student's suspension or expulsion and may not extend the term of the student's suspension or expulsion; and
- If the student returns to school before the appeal is decided, the district will provide the student an opportunity to make up assignments and tests missed during the suspension or expulsion upon the student's return.

In-school and short-term suspension appeal

For short-term and in-school suspensions, the Superintendent or designee will provide the student and parents the opportunity to share the student's perspective and explanation regarding the behavioral violation orally or in writing.

The Superintendent or designee must deliver a written appeal decision to the student and parent(s) in person, by mail, or by email within two (2) school business days after receiving the appeal. The written decision must include:

- The decision to affirm, reverse, or modify the suspension;
- The duration and conditions of the suspension including the beginning and ending dates;
- The educational services the district will offer to the student during the suspension; and

- Notice of the student and parent(s)' right to request review and reconsideration of the appeal decision, including where and to whom to make such a request.

Long-term suspension or expulsion and emergency expulsion appeal

For long-term suspension or expulsion and emergency expulsions, the Superintendent or designee will provide the student and parent(s) written notice in person, by mail, or by email, within one (1) school business day after receiving the appeal request, unless the parties agree to a different timeline. Written notice will include:

- The time, date, and location of the appeal hearing;
- The name(s) of the official(s) presiding over the appeal;
- The right of the student and parent(s) to inspect the student's education records;
- The right of the student and parent(s) to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing;
- The rights of the student and parent(s) to be represented by legal counsel; question witnesses; share the student's perspective and explanation; and introduce relevant documentary, physical, or testimonial evidence; and
- Whether the district will offer a reengagement meeting before the appeal hearing.

For long-term suspension or expulsion, the student, parent(s) and district may agree to hold a reengagement meeting and develop a reengagement plan before the appeal hearing. The student, parent(s), and district may mutually agree to postpone the appeal hearing while participating in the reengagement process.

Hearings

A hearing to appeal a long-term suspension or expulsion or emergency expulsion is a quasi-judicial process exempt from the Open Public Meetings Act (OPMA). To protect the privacy of student(s) and others involved, the district will hold hearing without public notice and without public access unless the student(s) and/or the parent(s) or their counsel requests an open hearing. Regardless of whether the hearing is open or closed, the district will make reasonable efforts to comply with the Family Educational Rights and Privacy Act (FERPA) concerning confidentiality of student education records.

When students are charged with violating the same rule and have acted in concert and the facts are essentially the same for all students, a single hearing may be conducted for them if the hearing officer believes that the following conditions exist:

- A single hearing will not likely result in confusion; and
- No student will have his/her interest substantially prejudiced by a group hearing.

If the official presiding over the hearing finds that a student's interests will be substantially prejudiced by a group hearing, the presiding official may order a separate hearing for that student. The parent and student have the right to petition for an individual hearing.

For long-term suspension or expulsion, the district will hold an appeal hearing within three (3) school business days after the Superintendent or designee received the appeal request, unless otherwise agree to by the student and parent(s).

For emergency expulsion, the district will hold an appeal hearing within two (2) school business days after the Superintendent or designee received the appeal request unless the student and parent(s) agree to another time.

The school board may designate a discipline appeal council to hear and decide any appeals in this policy and procedure or to review and reconsider a district's appeal decisions. A discipline appeal council must consist of at least three persons appointed by the school board for fixed terms. All members of a discipline appeal council must be knowledgeable about the rules in Chapter 392-400 WAC and this policy and procedure. The school board may also designate the Superintendent or a hearing officer to hear and decide appeals. The presiding official(s) may not have been involved in the student's behavioral violation or the decision to suspend or expel the student.

Upon request, the student and parent(s) or their legal representative may inspect any documentary or physical evidence and list of any witnesses that the district will introduce at the appeal hearing. The district must make the information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing. The district may also request to inspect any documentary or physical evidence and list of any witnesses that the student and parent(s) intend to introduce at the appeal hearing. The student and parent(s) must make this information available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

Upon request, the student and parent(s) may review the student's education records. The district will make the records available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

If a witness for the district cannot or does not appear at the appeal hearing, the presiding official(s) may excuse the witness' nonappearance if the district establishes that:

- The district made a reasonable effort to produce the witness; and
- The witness' failure to appear is excused by fear of reprisal or another compelling reason.

The district will record the appeal hearing by manual, electronic, or other type of recording device and upon request of the student or parent(s) provide them a copy of the recording.

For long-term suspension or expulsion, the presiding official(s) must base the decision solely on the evidence presented at the hearing. The presiding official(s) will provide a written decision to the student and parent(s) in person, or by email within three (3) school business days after the appeal hearing. The written decision must include:

- The findings of fact;
- A determination whether (i) the student's behavior violated this policy; (ii) the behavioral violation reasonably warrants the suspension or expulsion and the length of the suspension or expulsion; and (iii) the suspension or expulsion is affirmed, reversed, or modified;
- The duration and conditions of suspension or expulsion, including the beginning and ending dates;
- Notice of the right of the student and parent(s) to request a review and reconsideration of the appeal decision. The notice will include where and to whom to make such a request; and
- Notice of the opportunity for a reengagement meeting and contact information for the person who will schedule it.

For emergency expulsion, the district will provide a written decision to the student and parent(s) in person, by mail, or by email within one (1) school business day after the appeal hearing. The written decision must include;

- The findings of fact;
- A determination whether the student's presence continues to pose (i) an immediate and continuing danger to students or school personnel; or (ii) an immediate and continuing threat of material and substantial disruption of the educational process;
- Whether the district will end the emergency expulsion or convert the emergency expulsion to a suspension or expulsion. If the district converts the emergency expulsion to a suspension or expulsion, the district will provide the student and parent(s) notice and due process consistent with the disciplinary action to which the emergency expulsion was converted; and
- Notice of the right of the student and parent(s) to request a review and reconsideration of the appeal decision. The notice will include where and to whom to make such a request.

Reconsideration of appeal

The student or parents may request the school board or discipline appeal council, if established by the school board, review and reconsider the district's appeal decision for long-term suspensions or expulsions and emergency expulsions. This request may be either oral or in writing.

For long-term suspension or expulsion, the student or parent(s) may request a review within ten (10) school business days from when the district provided the student and parent(s) with the written appeal decision.

For emergency expulsion the student or parent(s) may request a review within five (5) school business days from when the district provided the student and parent(s) with the written appeal decision.

- In reviewing the district's decision the school board or discipline appeal council, if established, must consider (i) all documentary and physical evidence from the appeal hearing related to the behavioral violation; (ii) any records from the appeal hearing; (iii) relevant state law; and (iv) this policy adopted.
- The school board (or discipline appeal council) may request to meet with the student and parent(s), the principal, witnesses, and/or school personnel to hear further arguments and gather additional information.
- The decision of the school board (or discipline appeal council) will be made only by board or discipline council members who were not involved in (i) the behavioral violation; (ii) the decision to suspend or expel the student; or (iii) the appeal decision. If the discipline appeal council presided over the appeal hearing, the school board will conduct the review and reconsideration.

For long-term suspension or expulsion, the school board (or discipline appeal council) will provide a written decision to the student and parent(s) in person, by mail, or by email within ten (10) school business days after receiving the request for review and reconsideration. The written decision must identify:

- Whether the school board (or discipline appeal council) affirms, reverses, or modifies the suspension or expulsion;

- The duration and conditions of the suspension or expulsion, including the beginning and ending dates of the suspension or expulsion; and
- For long term suspensions or expulsions, notice of the opportunity to participate in a reengagement meeting.

For emergency expulsion, the school board (or discipline appeal council) will provide a written decision to the student and parent(s) in person, by mail, or by email within five (5) school business days after receiving the request for review and reconsideration. The written decision must identify:

- Whether the school board (or discipline appeal council) affirms or reverses the school district's decision that the student's presence posed (i) an immediate and continuing danger to students or school personnel; or (ii) an immediate and continuing threat of material and substantial disruption of the educational process.
- If the emergency expulsion has not yet ended or been converted, whether the district will end the emergency expulsion or convert the emergency expulsion to a suspension or expulsion. If the district converts the emergency expulsion to a suspension or expulsion, the district will provide the student and parent(s) notice and due process under WAC 392-400-430 through 392-400-480 consistent with the disciplinary action to which the emergency expulsion was converted.

Petition to extend an expulsion

When risk to public health or safety warrants extending a student's expulsion, the principal or designee may petition the Superintendent or designee for authorization to exceed the academic term limitation on an expulsion. The petition must inform the Superintendent or designee of:

- The behavioral violation that resulted in the expulsion and the public health or safety concerns;
- The student's academic, attendance, and discipline history;
- Any nonacademic supports and behavioral services the student was offered or received during the expulsion;
- The student's academic progress during the expulsion and the educational services available to the student during the expulsion;
- The proposed extended length of the expulsion; and
- The student's reengagement plan.
- The principal or designee may petition to extend an expulsion only after the development of a reengagement plan under WAC 392-400-710 and before the end of the expulsion. For violations of WAC 392-400-820 involving a firearm on school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools, the principal or designee may petition to extend an expulsion at any time.

Notice

The district will provide written notice of a petition to the student and parent(s) in person, by mail, or by email within one (1) school business day from the date the Superintendent or designee received the petition. The written notice must include:

- A copy of the petition;

- The right of the student and parent(s) to a informal conference with the Superintendent or designee to be held within five (5) school business days from the date the district provided written notice to the student and parent(s); and
- The right of the student and parent(s) to respond to the petition orally or in writing to the Superintendent or designee within five (5) school business days from the date the district provided the written notice.

The Superintendent or designee may grant the petition only if there is substantial evident that, if the student were to return to the student's previous school of placement after the length of an academic term, the student would pose a risk to public health or safety. The Superintendent or designee must deliver a written decision to the principal, the student, and the student's parent(s) in person, by mail, or by email within ten (10) school business days after receiving the petition.

If the Superintendent or designee does not grant the petition, the written decision must identify the date when the expulsion will end.

If the Superintendent or designee grants the petition, the written decision must include:

- The date on which the extended expulsion will end;
- The reason that, if the student were to return before the initial expulsion end date, the student would pose a risk to public health or safety; and
- Notice of the right of the student and parent(s) to request a review and reconsideration. The notice will include where and to whom to make such a request;

Review and Reconsideration of extension of expulsion

The student or parent(s) may request that the school board (or discipline appeal council, if established by the board) review and reconsider the decision to extend the student's expulsion. The student or parents may request the review orally or in writing within ten (10) school business days from the date the Superintendent or designee provides the written decision.

The school board (or discipline appeal council) may request to meet with the student or parent(s) or the principal to hear further arguments and gather additional information.

The decision of the school board (or discipline appeal council) may be made only board or discipline appeal council members who were not involved in the behavioral violation, the decision to expel the student or the appeal decision.

The school board (or discipline appeal council) will provide a written decision to the student and parent(s) in person, by mail, or by email within ten (10) school business days after receiving the request for review and reconsideration. The written decision must identify:

- Whether the school board or discipline appeal council affirms, reverses, or modifies the decision to extend the student's expulsion; and
- The date when the extended expulsion will end.

Any extension of an expulsion may not exceed the length of an academic term.

The district will annually report the number of petitions approved and denied to the Office of Superintendent of Public Instruction.

Educational Services

The district will offer educational services to enable a student who is suspended, expelled or emergency expelled to:

- Continue to participate in the general education curriculum;
- Meet the educational standards established within the district; and
- Complete subject, grade-level, and graduation requirements.

When providing a student the opportunity to receive educational services during exclusionary discipline, the school must consider:

- Meaningful input from the student, parents, and the student's teachers;
- Whether the student's regular educational services include English language development services, special education, accommodations and related services under Section 504 of the Rehabilitation Act of 1973, or supplemental services designed to support the student's academic achievement; and
- Access to any necessary technology, transportation, or resources the student needs to participate fully in the educational services.

After considering the factors and input described above, the district will determine a student's educational services on a case-by-case basis. Any educational services in an alternative setting should be comparable, equitable, and appropriate to the regular educational service a student would have received in the absence of exclusionary discipline.

As soon as reasonably possible after administering a suspension or expulsion, the district will provide written notice to the student and parents about the educational services the district will provide. The notice will include a description of the educational services and the name and contact information of the school personnel who can offer support to keep the student current with assignments and course work.

For students subjected to suspension or emergency expulsion up to five (5) days, a school must provide at least the following.

- Course work, including any assigned homework, from all of the student's regular subjects or classes;
- Access to school personnel who can offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes; and
- An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency expulsion.

For students subjected to suspension or emergency expulsion for six (6) to ten (10) consecutive school days, a school must provide at least the following:

- Course work, including any assigned homework, from all of the student's regular subjects or classes;
- An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency expulsion; and
- Access to school personnel who can offer support to keep the student current with assignments and course work for all of the student's regular subjects or classes. School personnel will make a reasonable attempt to contact the student or parents within three (3) school business days following the start of the suspension or

emergency expulsion and periodically thereafter until the suspension or emergency expulsion ends to:

- Coordinate the delivery and grading of course work between the student and the student's teacher(s) at a frequency that would allow the student to keep current with assignments and course work for all of the student's regular subjects or classes; and
- Communicate with the student, parents, and the student's teacher(s) about the student's academic progress.

For students subject to expulsion or suspension for more than ten consecutive school days, a school will make provisions for educational services in accordance with the "Course of Study" provisions of [WAC 392-121-107](#).

Readmission

Readmission application process

The readmission process is different from and does not replace the appeal process. Students who have been suspended or expelled may make a written request for readmission to the district at any time. If a student desires to be readmitted at the school from which he/she has been suspended/expelled, the student will submit a written application to the principal, who will recommend admission or non-admission. If a student wishes admission to another school, he/she will submit the written application to the Superintendent. The application will include:

- The reasons the student wants to return and why the request should be considered;
- Any evidence that supports the request; and
- A supporting statement from the parent or others who may have assisted the student.

The Superintendent will advise the student and parent of the decision within seven (7) school days of the receipt of such application.

Reengagement

Reengagement Meeting

The reengagement process is distinct from a written request for readmission. The reengagement meeting is also distinct from the appeal process, including an appeal hearing, and does not replace an appeal hearing. The district must convene a reengagement meeting for students with a long-term suspension or expulsion.

Before convening a reengagement meeting, the district will communicate with the student and parent(s) to schedule the meeting time and location. The purpose of the reengagement meeting is to discuss with the student and parent(s) a plan to reengage the student.

The reengagement meeting must occur:

- Within twenty (20) calendar days of the start of the student's long-term suspension or expulsion, but no later than five (5) calendar days before the student's return to school; or
- As soon as reasonably possible, if the student or parents request a prompt reengagement meeting.

Reengagement plan

The district will collaborate with the student and parents to develop a culturally sensitive and culturally responsive reengagement plan tailored to the student's individual circumstances to support the student in successfully returning to school. In developing a reengagement plan, the district must consider;

- The nature and circumstances of the incident that led to the student's suspension or expulsion;
- As appropriate, students' cultural histories and contexts, family cultural norms and values, community resources and community and parent outreach;
- Shortening the length of time that the student is suspended or expelled;
- Providing academic and nonacademic supports that aid in the student's academic success and keep the student engaged and on track to graduate; and
- Supporting the student parents, or school personnel in taking action to remedy the circumstances that resulted in the suspension or expulsion and preventing similar circumstances from recurring.

The district must document the reengagement plan and provide a copy of the plan to the student and parents. The district must ensure that both the reengagement meeting and the reengagement plan are in a language the student and parents understand.

Behavior agreements

The district authorizes Gerry Grubbs/Sup't to enter into behavior agreements with students and parents in response to behavioral violations including agreements to reduce the length of a suspension conditioned on the participation in treatment services, agreements in lieu of suspension or expulsion, or agreements holding a suspension or expulsion in abeyance. Behavior agreements will also describe district actions planned to support students in meeting behavioral expectations. Behavior agreements may be supplemental to but will not replace best practices and strategies implement at the classroom level to support students in meeting behavioral expectations. Behavior agreements entered into with students and parents under this section may not replace or negate provisions within a student's Individual Education Plan (IEP), 504 Plan, or Behavioral Intervention Plan (BIP). The district will provide any behavior agreement in a language and form the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

A behavior agreement does not waive a student's opportunity to participate in a reengagement meeting or to receive educational services. The duration of a behavior agreement must not exceed the length of an academic term. A behavior agreement does not preclude the district from administering discipline for behavioral violations that occur after the district enters into an agreement with the student and parents.

Exceptions for protecting victims

The district may preclude a student from returning to the student's regular educational setting following the end date of a suspension or expulsion to protect victims of certain offenses as follows:

- A student committing an offense under RCW 28A.6500.460(2), when the activity is directed toward the teacher, shall not be assigned to that teacher's classroom for the duration of the student's attendance at that school or any other school where the teacher is assigned.

- A student who commits an offense under RCW 28A.600.460(3), when directed toward another student, may be removed from the classroom of the victim for the duration of the student's attendance at that school or any other school where the victim is enrolled.

3420P Procedure - Anaphylaxis Prevention

For students with a medically diagnosed life-threatening allergy (anaphylaxis), the district will take appropriate steps for the student's safety, including implementing a nursing care plan. The district will utilize the Guidelines for the Care of Students with Anaphylaxis published by the Office of the Superintendent of Public Instruction.

Parent/Guardian Responsibility

Prior to enrolling a student, the parent/guardian will inform the school in writing of the medically diagnosed allergy(ies) and risk of anaphylaxis. School districts will develop a process to identify students at risk for life-threatening allergies and to report this information to the school nurse. Upon receiving the diagnosis, school staff will contact the parent/guardian to develop a nursing care plan. A nursing care plan will be developed for each student with a medically diagnosed life-threatening allergy.

Nursing Care Plan

The school nurse (registered nurse) will develop a written plan that identifies the student's allergies, symptoms of exposure, practical strategies to minimize the risks, and how to respond in an emergency.

The principal or designee (school nurse) may arrange for a consultation with the parent/guardian **prior to the first day of attendance** to develop and discuss the nursing care plan. The plan will be developed by the school nurse in collaboration with parent/guardian, licensed health care provider (LHP), and appropriate school staff. If the treatment plan includes self-administration of medications, the parent/guardian, student, and staff will comply with model policy and procedure 3419, *Self-Administration of Asthma and Anaphylaxis Medication*.

Annually and prior to the first day of attendance, the student health file will contain: 1) a current, completed nursing care plan; 2) a written description of the treatment order, signed by a LHP; and 3) an adequate and current supply of auto-injectors (and other medications if needed). The school will also recommend to the parents/guardians that the student wear a medical alert bracelet all times. The parents/guardians are responsible for notifying the school if the student's condition changes and for providing the medical treatment order, appropriate auto-injectors, and other medications as ordered by the LHP.

The district will exclude from school those students who have a medically diagnosed life-threatening allergy and no medication or treatment order presented to the school to the extent that the district can do so consistent with federal requirements for students with disabilities under the Individuals with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, and pursuant to the following due process requirements:

1. Written notice to the parents/guardians or persons in loco parentis is delivered in person or by certified mail;

2. Notice of the applicable laws, including a copy of the laws and rules; and
3. The order that the student will be excluded from school immediately and until medications and a treatment order are presented.

Communications Plan and Responsibility of School Staff

After the nursing care plan is developed, the school principal or a designee will inform appropriate staff regarding the affected student. The school nurse (registered nurse) will train appropriate staff regarding the affected student and the nursing care plan. The plan will be distributed to appropriate staff and placed in appropriate locations in the district (classroom, office, school bus, lunchroom, near playground, etc.). With the permission of parents/guardian and the student, (if appropriate), other students and parents may be given information about anaphylaxis to support the student's safety and control to exposure to allergens.

All School Staff Training

Annually, each school principal will provide an in-service training on how to minimize exposure and how to respond to an anaphylaxis emergency. The training will include a review of avoidance strategies, recognition of symptoms, the emergency protocols to respond to an anaphylaxis episode (calling 911/EMS when symptoms of anaphylaxis are first observed), and hands-on training in the use of an autoinjector. Training should also include notifications that more than one dose may be necessary in a prolonged anaphylaxis event.

Student specific training and additional information will be provided (by the school nurse) to teachers, teacher's assistants, clerical staff, food service workers, and bus drivers who will have known contact with a student diagnosed with a known allergen.

Student-specific Training

Annually, before the start of the school year and/or before the student attends school for the first time, the school nurse will provide student-specific training and additional information to teachers, teacher's assistants, clerical staff, food service workers, and bus drivers who will have known contact with a student diagnosed with a known allergen and are implementing the nursing care plan.

Controlling the Exposure to Allergens

Controlling the exposure to allergens requires the cooperation of parents, students, the health care community, school employees, and the board. The district will inform parents of the presence of a student with life threatening allergies in their child's classroom and/or school and the measures being taken to protect the affected student. Parents will be asked to cooperate and limit the allergen in school lunches and snacks or other products. The district will discourage the sharing of food, utensils, and containers. The district will take other precautions such as avoiding the use of party balloons or contact with latex gloves. Additionally, play areas will be specified that are lowest risk for the affected student.

The district will also identify high-risk events and areas for students with life-threatening allergies, such as foods and beverages brought to school for seasonal events, school equipment, and curricular materials used by large numbers of students (play-dough, stuffed toys, science projects, etc.), and implement appropriate accommodations.

During school-sponsored activities, appropriate supervisors, staff, and parents will be made aware of the identity of the student with life-threatening allergies, the allergens, symptoms, and treatment. The lead teacher will ensure that the auto-injector is brought on field trips.

Insert the following language if district stocks undesignated epinephrine autoinjectors:

Undesignated Epinephrine Autoinjectors

District Prescription and Standing Order Protocol

The district will maintain a supply of undesignated epinephrine autoinjectors that will be prescribed in the name of the district by a licensed health professional with the authority to prescribe epinephrine autoinjectors. The district prescription is valid for one school year only and will be renewed prior to the start of each school year.

Each prescription must be accompanied by a standing order for the administration of school-supplied epinephrine autoinjectors for potentially life-threatening allergic reactions. The standing order protocol should include specific symptoms of anaphylaxis, the dose of medication, and directions to summon emergency medical services (EMS 911) upon observance of symptoms of anaphylaxis. Parent/guardian notification should occur as soon as possible after EMS is notified.

Donation

The district will obtain epinephrine autoinjectors directly from an appropriate practitioner, pharmacist, medical facility, drug manufacturer, or drug wholesaler. All epinephrine autoinjectors must be accompanied by a prescription.

Storage/maintenance/expiration/disposal

School staff will comply with all manufacturer's instructions as to storage, maintenance, expiration, and disposal of epinephrine autoinjectors. School staff will also comply with district medication policy and procedures related to safe, secure management of medications.

Administration

Epinephrine autoinjectors may be used on all school property, including buildings, playgrounds, and school buses. For school-sponsored events and field trips, the school nurse or designated trained school personnel may carry an appropriate supply of school-supplied epinephrine autoinjectors. This does not negate the need to carry the supply of epinephrine autoinjectors belonging to students with known anaphylaxis.

In the event a student without a current prescription on file with the school or a student with undiagnosed anaphylaxis experiences an anaphylactic event, the school nurse may utilize the school supply of epinephrine to respond under the standing order protocol.

In the event a student with a current prescription for an epinephrine autoinjector on file at the school experiences an anaphylactic event, the school nurse or designated trained school personnel may use the school supply of epinephrine autoinjectors to respond if the student's supply is not immediately available.

The district will maintain all practices regarding prescriptions and self-medication for children with existing epinephrine autoinjector prescriptions and/or a guided anaphylaxis care plan. Parents/guardians of students with identified life-threatening allergies must continue to provide the school with appropriate medication and treatment orders pursuant to [RCW 28A.210.320](#), Life-Threatening Conditions.

Employee Opt-Out

School employees (except licensed nurses) who have not previously agreed in writing to the use of epinephrine autoinjectors as part of their job description may file a written letter of refusal to administer epinephrine autoinjectors with the districts. The employee's refusal may not serve as grounds for discharge, non-renewal, or other action adversely affecting the employee's contract status.

No Liability

If the school employee or school nurse who administers epinephrine by autoinjector to a student substantially complies with the student's prescription (that has been prescribed by a licensed health professional within the scope of the professional's prescriptive authority) and the district's policy on anaphylaxis prevention and response, the employee, nurse, district, superintendent, and board are not liable for any criminal action or civil damages that result from the administration.

3422P Procedure - Student Sports – Concussion, Head Injury and Sudden Cardiac Arrest

Concussion, Head Injury and Sudden Cardiac Arrest Management in Student Sports

Athletic Director or Administrator in Charge of Athletics Duties:

1. **Updating:** Each spring, the athletic director, or the administrator in charge of athletics if there is no athletic director, will review any changes that have been made in forms required for concussion, head injury and sudden cardiac arrest management by consulting with the WIAA or the WIAA Web site. If there are any updated forms, they will be adopted and used for the upcoming school year.
2. **Identifying Sports:** By June 30 of each year, the athletic director or administrator in charge will identify competitive sport activities in the district for which compliance with Policy 3422 is required. A list of competitive sports activities, Policy 3422 and this procedure will be distributed to all coaching staff and volunteers.

Coach Training: All coaches will undergo training in head injury and concussion management and at least once every two years by one of the following means: (1) through attendance at a WIAA or similar clock hour presentation which uses WIAA guidelines; or (2) by completing WIAA online training. All coaches will undergo training in sudden cardiac arrest prevention every three years by completing an online program developed by the WIAA and the University of Washington medicine center for sports cardiology and providing proof of completion of same to the district.

Parent Information: On a yearly basis and prior to the youth athlete's initiating practice or competition, a concussion and head injury information sheet will be signed and returned by the youth athlete and the athlete's parent and/or guardian. The information sheet will also incorporate a statement attesting to the student and parent/guardian's review of the online pamphlet on sudden cardiac arrest posted on the OSPI website. The statement must be signed by both the student and parent. The information sheet may be incorporated into the parent permission sheet which allows students to participate in extracurricular athletics.

Coach's Responsibility: A youth athlete who is suspected of sustaining a concussion or head injury in a practice or game or one who exhibits symptoms of sudden cardiac arrest will be immediately removed from play.

Return to Play After Concussion, Head Injury or symptoms of sudden cardiac arrest: A student athlete who has been removed from play may not return to play until the athlete is evaluated by a licensed health care provider trained in the evaluation and management of concussion and sudden cardiac arrest and receives written clearance to return to play from that health care provider. The health care provider may be a volunteer.

4215 Use of Tobacco, Nicotine Products and Delivery Devices

The board of directors recognizes that to protect students from exposure to the addictive substance of nicotine, employees and officers of the school district, and all members of the community, have an obligation as role models to refrain from use of tobacco products and delivery devices on school property at all times, Tobacco products and delivery devices include, but are not limited to, cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, nicotine, electronic smoking/vapor devices, and vapor products, non-prescribed inhalers, nicotine delivery devices or chemicals that are not FDA-approved to help people quit using tobacco, devices that produce the same flavor or physical effect of nicotine substances and any other smoking equipment, device, material or innovation.

Any use of such products and delivery devices by staff, students, visitors and community members will be prohibited on all school district property, including all district buildings, grounds and district-owned vehicles, and within five hundred feet of schools. Possession by or distribution of tobacco products to minors is prohibited.

The use of Federal Drug Administration (FDA) approved nicotine replacement therapy in the form of a nicotine patch, gum or lozenge is permitted. However, students and employees must follow applicable policies regarding use of medication at school.

Notices advising student, district employees and community members of this policy will be posted in appropriate locations in all district buildings and at other district facilities as determined by the superintendent and will be included in the employee and student handbooks. Employees and students are subject to discipline for violations of this policy, and school district employees are responsible for the enforcement of the policy.

Procedure - Nondiscrimination and Affirmative Action

Nondiscrimination

To ensure fairness and consistency, the following grievance procedure is to be used in the district's relationship with its staff members, volunteers, or contractors who work on behalf of the district. It specifically governs employment problems covered by state and federal equal employment opportunity laws and/or this affirmative action program. No such person's status with the district will be adversely affected in any way because the staff member utilized these procedures. As used in this procedure, "grievance" will mean a complaint which has been filed by a complainant relating to alleged violations of any state or federal anti-discrimination laws. A "complaint" will mean a charge alleging specific acts, conditions or circumstances which are in violation of the anti-discrimination laws. A "respondent" will mean the person alleged to be responsible or who may be responsible for the violation alleged in the complaint.

The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint to this and the following steps will be taken:

Affirmative Action Plan

In order to secure an equitable solution to a justifiable complaint the district will:

1. Make efforts to modify the composition of the future work force in order to work toward a full utilization of aged persons, persons with disabilities, racial and ethnic minorities, women, and Vietnam veterans in the various job categories.
2. Ensure that all applicants and staff are considered on the basis of bona fide job-related qualifications. The purpose of the affirmative action plan is to actively include persons of under-utilized classes in the employment process, not to exclude others from it. The district will continue to emphasize in all recruitment contacts that nondiscrimination is a basic element in the district's personnel procedures.
3. Be responsible for reviewing all employment procedures and programs to assure that there is no indication of discriminatory practices. The district will continue to use aged persons, persons with disabilities, racial and ethnic minorities, women and Vietnam veterans in the recruitment and employment process. Job descriptions for classified staff will be sent to the Washington Employment Service and other organizations which are recruiting sources for groups that may be under-utilized in the district's work force. Recruitment from colleges and universities will include institutions with high percentages of students of various ethnic minorities.
4. Contract and purchase all goods and services from persons, agencies, vendors, contractors, and organizations who comply with the appropriate laws and executive

orders regarding discrimination.

5. Take appropriate action to attract and retain aged persons, persons with disabilities, racial and ethnic minorities, women and Vietnam Veterans at all levels and in all segments of the district's work force. Criteria for selecting staff will be reviewed regularly to assure that such statements relate directly to the requirements for specific positions. However, pursuant to state law there will be no preferential employment practices based on race or gender.
6. Upgrade present staff by providing management development training to assure that individuals of under-utilized groups are prepared for positions of new and increased responsibility.

Implementation of the affirmative action plan will be the responsibility of the superintendent. Administrators will assist in the attainment of the established goals and purposes of this affirmative action plan.

Dissemination

The district will disseminate information concerning employment and developments under the affirmative action plan on a planned basis to assist in achieving the goals set forth in this plan. Affirmative action information will be disseminated by:

1. Printing and distributing such information to staff, school libraries, and offices;
2. Publicizing such information in district newsletters;
3. Conducting meetings with administrative staff to explain the intent and advantages of the policy and plan;
4. Conducting faculty meetings and meetings with classified staff;
5. Informing appropriate and interested recruiting and hiring sources; and
6. Informing all representative staff groups in the district.

Male/Female Balance and Staff Goals

The profile of the district's current utilization of women is set forth in _____. By the commencement of the _____ school year, the district will strive to achieve a rate of employment in regard to sex at least equivalent to the goals set forth in _____. The district will see that measurable efforts are made in the utilization of women for higher levels of responsibility in both certificated and classified positions. The district will make good faith effort to recruit, interview, and employ individuals consistent with the district commitment to nondiscrimination and affirmative action for all positions and in every department, school, and level of operation. Preferential or adverse employment practices, including demotions or termination will not be used to meet stated goals or time lines.

1. Administrators

Goal: To place females in administrative positions.

Objectives: To place females in administrative positions as they become available which

falls within a range of _____% men and/or women, without using preferential employment practices.

To identify qualified potential candidates from outside the district for consideration for future openings.

2. Principals and Assistant Principals

Goal: To place females in principal positions.

Objective: To place females in principal and assistant principal positions as they occur and trained women are available, without using preferential employment practices.

3. Teachers, Elementary or grades K-8

Goal: To provide each student with the opportunity to experience both male and female homeroom teachers during the primary as well as the intermediate grades.

Objective: To achieve a staff which falls within a range of _____% men and/or women in the primary as well as the intermediate grades at each school, without using preferential employment practices.

4. Teachers, Secondary or grades 9-12

Goal: To provide students with the opportunity to work with male and female staff in both curricular and extracurricular activities.

Objective: To maintain a staff which falls within a range of _____% men and/or women for classroom teachers and activity supervisors, without using preferential employment practices.

5. Support Staff — Certificated and Classified

Objective: To achieve a staff which falls within a range of _____% men and/or women, without using preferential employment practices.

Racial and Ethnic Minority Balance and Staff Goals

The profiles of the district's current student ethnic minority population and the district's current ethnic minorities (American Indian/ Native American, Asian, Black, and Hispanic) are set forth in _____. By the commencement of the _____ school year the district will strive to achieve a rate of employment for ethnic minorities in both certificated and classified areas as indicated in this plan, without using preferential employment practices. These goals are a utilization level for certificated staff, at least equal to the percentage of ethnic minority student enrollment within the district; for classified staff a utilization level of at least _____%, a figure based upon relevant availability figures in the _____ statistical area. Final and interim goals are set out in _____.

The district will see that measurable efforts are made in the utilization of ethnic minorities for higher levels of responsibility in both certificated and classified positions, without using preferential employment practices. The district will make good faith effort to recruit, interview, and employ individuals consistent with the district commitment to nondiscrimination and affirmative action for all positions and in every department, every school and at every level of operation. Preferential or adverse employment practices, including demotions or termination will not be used to meet stated goals or time lines.

1. **Administrators**

Goal: To place ethnic minorities in administrative positions, without using preferential employment practices.

Objectives: To place ethnic minorities in administrative positions as they become available to progress toward the percentage of ethnic minorities in the current ethnic minority student enrollment.

To identify qualified potential candidates from outside the district for consideration for future openings.

2. **Principals and Assistant Principals**

Goal: To place ethnic minorities in principal positions.

Objective: To place ethnic minorities in principal and assistant principal positions as they occur and trained applicants are available, without using preferential employment practices.

3. **Teachers: Elementary or grades K-8**

Goal: To provide each student with the opportunity to experience ethnic minority homeroom teachers during the primary as well as the intermediate grades, without using preferential employment practices.

Objective: To achieve a staff of primary and intermediate teachers in which the percentage of ethnic minorities is comparable to that of the current ethnic minority student enrollment.

4. **Teachers: Secondary or grades 9-12**

Goal: To provide students with the opportunity to work with ethnic minority staff in both curricular and extracurricular activities.

Objective: To maintain a staff of classroom teachers and activity supervisors in which the percentage of ethnic minorities is comparable to that of the current ethnic minority student enrollment, without using preferential employment practices.

5. **Support Staff - Certificated and Classified**

Objective: To achieve a staff of certificated and classified support staff in which the percentage of ethnic minorities is comparable to that of the current ethnic minority student enrollment, without using preferential employment practices.

Internal Audit and Monitoring System

The superintendent's office, in compliance with [WAC 162-12, Pre-employment Inquiry Guide](#), will record applicant flow, new hires, promotions, transfer requests, transfers, administrative internships, and terminations by age, race, sex, and other protected status. An analysis will be made of the internal and external work force availability of racial and ethnic minorities and women.

The district will evaluate the effectiveness of the nondiscrimination and affirmative action program and report its status to the board semiannually. Such reports may include recommendations for changes in the affirmative action program goals. The overall

responsibility for monitoring and auditing this policy is assigned to the district office. The duties include:

1. Analysis of the categories of employment in relation to affirmative action goals;
2. Analysis of work force data and applicant flow;
3. Maintaining records relative to affirmative action information;
4. Preparation of semiannual reports of progress toward the goals and recommended changes required to maintain the vitality of the program;
5. Identifying in a written report to the superintendent any employment practice or policy that is discriminatory or that does not meet the requirements of the affirmative action program; and
6. Keeping the superintendent advised of the progress in implementing the goals and procedures of this affirmative action program.

Grievance Procedure

To ensure fairness and consistency, the following review procedures are to be used in the district's relationship with its staff members, volunteers, or contractors who work on behalf of the district. These review procedures specifically govern employment problems covered by state and federal equal employment opportunity laws and/or this affirmative action program. No such person's status with the district will be adversely affected in any way because the person utilized these procedures.

1. **Grievance** means a complaint which has been filed by a staff member, volunteer, or contractor relating to alleged violations of any state or federal anti-discrimination laws.
2. **Complaint** means a written charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws. The time period for filing a complaint is one year from the date of the occurrence that is the subject matter of the complaint. However, a complaint filing deadline may not be imposed if the complainant was prevented from filing due to: 1) Specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint; or 2) Withholding of information that the district was required to provide under WAC 392-190-065 or WAC 392-190-005. Complaints may be submitted by mail, fax, e-mail or hand-delivery to any district, school or to the district compliance officer responsible for investigating discrimination complaints. Any district employee who receives a complaint that meets these criteria will promptly notify the compliance officer.
3. **Respondent** means the person alleged to be responsible or who may be responsible for the violation alleged in the complaint.

The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint. To this end, specific steps will be taken. The district is prohibited by law from intimidating, threatening, coercing, or discriminating against any individual for the purpose

of interfering with their right to file a grievance under this procedure and from retaliating against an individual for filing such a grievance.

1. Informal Process for Resolution

When a staff member, volunteer, or contractor has an employment problem concerning equal employment opportunity, he/she will discuss the problem with the immediate supervisor, personnel director or superintendent within 60 days of the circumstances which gave rise to the problem. The staff member, volunteer, or contractor may also ask the compliance officer to participate in the informal review procedure. It is intended that the informal discussion will resolve the issue. If the staff member, volunteer, or contractor feels he/she cannot approach the supervisor because of the supervisor's involvement in the alleged discrimination, the person may directly contact the compliance officer before pursuing formal procedures. If the discussion with the officer or immediate supervisor does not resolve the issue the person may proceed to the formal review procedures. During the course of the informal process, the district will notify complainant of their right to file a formal complaint.

2. Formal Process for Resolution

Level One: Complaint to District

The complaint must set forth the specific acts, conditions, or circumstances alleged to be in violation. Upon receipt of a complaint, the compliance officer will provide the complainant a copy of this procedure. The compliance officer will investigate the allegations within 30 calendar days. The school district and complainant may agree to resolve the complaint in lieu of an investigation. The officer will provide the superintendent with a full written report of the complaint and the results of the investigation.

The superintendent or designee will respond to the complainant with a written decision as expeditiously as possible, but in no event later than 30 calendar days following receipt of the written complaint, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, the district will notify the complainant in writing of the reason for the extension and the anticipated response date. At the time the district responds to the complainant, the district must send a copy of the response to the office of the superintendent of public instruction.

The decision of the superintendent or designee will include: 1) a summary of the results of the investigation; 2) whether the district has failed to comply with anti-discrimination laws; 3) if non-compliance is found, corrective measures the district deems necessary to correct it; and 4) notice of the complainant's right to appeal to the school board and the necessary filing information. The superintendent's or designee's response will be provided in a language the complainant can understand and may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964.

Any corrective measures deemed necessary will be instituted as expeditiously as possible, but in no event later than 30 calendar days following the superintendent's mailing of a written response to the complaining party unless otherwise agreed to by the complainant.

Level Two - Appeal to Board of Directors

If a complainant disagrees with the superintendent's or designee's written decision, the complainant may file a written notice of appeal with the secretary of the board within ten (10) calendar days following the date upon which the complainant received the response. The board will schedule a hearing to commence by the twentieth (20) calendar day following the filing of the written notice of appeal unless otherwise agreed to by the complainant and the superintendent or for good cause. Both parties will be allowed to present such witnesses and testimony as the board deems relevant and material. Unless otherwise agreed to by the complainant, the board will render a written decision within thirty (30) calendar days following the filing of the notice of appeal and provide the complainant with a copy of the decision. The decision of the board will be provided in a language the complainant can understand, which may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act. The decision will include notice of the complainant's right to appeal to the Office of Superintendent of Public Instruction and will identify where and to whom the appeal must be filed. The district will send a copy of the appeal decision to the Office of Superintendent of Public Instruction.

Level Three - Complaint to the Superintendent of Public Instruction

If a complainant disagrees with the decision of the board of directors, or if the district fails to comply with this procedure, the complainant may file a complaint with the Office of Superintendent of Public Instruction.

1. A complaint must be received by the Office of Superintendent of Public Instruction on or before the twentieth (20) calendar day following the date upon which the complainant received written notice of the board of directors' decision, unless the Office of Superintendent of Public Instruction grants an extension for good cause. Complaints may be submitted by mail, fax, electronic mail, or hand delivery.
2. A complaint must be in writing and include: 1) A description of the specific acts, conditions or circumstances alleged to violate applicable anti-discrimination laws; 2) The name and contact information, including address, of the complainant; 3) The name and address of the district subject to the complaint; 4) A copy of the district's complaint and appeal decision, if any; and 5) A proposed resolution of the complaint or relief requested. If the allegations regard a specific student, the complaint must also include the name and address of the student,

or in the case of a homeless child or youth, contact information.

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

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

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

Level Four - Administrative Hearing

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

3. Mediation

At any time during the discrimination complaint procedure set forth in WAC 392-190-065 through 392-190-075, a district may, at its own expense, offer mediation. The complainant and the district may agree to extend the discrimination complaint process deadlines in order to pursue mediation.

The purpose of mediation is to provide both the complainant and the district an opportunity to resolve disputes and reach a mutually acceptable agreement through the use of an impartial mediator. Mediation must be voluntary and requires the mutual agreement of both parties. It may be terminated by either party at any time during the mediation process. It may not be used to deny or delay a complainant's right to utilize the complaint procedures.

Mediation must be conducted by a qualified and impartial mediator who may not: 1) Be an employee of any school district, public charter school, or other public or private agency that is providing education related services to a student who is the subject of the

complaint being mediated; or 2) Have a personal or professional conflict of interest. A mediator is not considered an employee of the district or charter school or other public or private agency solely because he or she serves as a mediator.

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

4. **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, will be retained in the office of the district compliance officer for a period of 6 years.

Resources

1. District Contact
Gerry Grubbs – Superintendent/Principal

State Contacts
Superintendent of Public Instruction
Equity and Civil Rights Office
P.O. Box 47200
Olympia, WA 98504-7200
360.725.6162

Washington State Human Rights Commission
711 South Capitol Way, Suite 402
P.O. Box 42490
Olympia, WA 98504-2490
360.753.6770

Office for Civil Rights
U.S. Department of Education
915 Second Avenue, Room 3310
Seattle, WA 98174
206.607.1600

Sex Discrimination and Sex-Based Harassment of District Staff Prohibited

This district is committed to a positive and productive working environment free from discrimination, including sex-based discrimination and harassment. This commitment extends to all employees, applicants for employment, and others involved in academic, educational, extracurricular, athletic, and other programs or activities of the district, whether that program or activity is in a school facility, on school transportation, or at a class training held elsewhere.

This policy is developed to meet the district's obligations under Title IX and is aligned with Washington State laws and regulations that define sex-based discrimination. The district will not adopt or implement any policy, practice, or procedure or take any employment action on the basis of sex, except to meet its obligations related to pregnancy and pregnancy-related conditions.

The district will not make any pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is "Miss or Mrs." Pre-employment, the district may ask an applicant for employment to self-identify their sex, but only if this question is asked of all applicants and if the response is not used as a basis for discrimination prohibited by Title IX or this policy.

Consistent with the Title IX regulation, the district will not implement any policy, practice, or procedure or take any employment action on the basis of sex:

- (1) concerning the current, potential, or past parental, family, or marital status of an employee or applicant for employment, which treats persons differently; or
- (2) that is based upon whether an employee or applicant for employment is the head of household or principal wage earner in such employee's or applicant's family unit.

The district will not discriminate against any employee or applicant for employment on the basis of current, potential, or past pregnancy or related conditions. The district must treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions for all job-related purposes, including commencement, duration and extensions of leave; payment of disability income; accrual of seniority and any other benefit or service; and reinstatement; and under any fringe benefit offered to employees by virtue of employment.

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

Definitions

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

The term "sexual harassment" includes the following, which Title IX defines at 34 C.F.R. § 106.2:

- “*Quid pro quo* harassment,”
- “Hostile environment harassment,” and
- Specific offenses of sexual assault, dating violence, domestic violence, or stalking

The term “sexual harassment” is also prohibited under state law as defined at W.A.C. 392-190-056 and includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature between two or more individuals if:

- a. Submission to that conduct or communication is condition of obtaining employment;
- b. a factor in decisions affecting that individual's employment; or
- c. the conduct or communication has the purpose or effect of substantially interfering with an individual's employment or of creating an intimidating, hostile, or offensive educational environment.

Harassment based on sexual orientation, gender expression, or gender identity is also prohibited under Washington state law as defined at RCW 49.60.040 and WAC 162.32-040.

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

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

The district has also developed other specific related policies for district employees to comply with its obligations under State and Federal laws, including Title IX, and to create an inclusive and welcoming work environment, including [WSSDA Model Policies or modified for your district equivalent] Policy 5210 (Prohibiting Discrimination of Staff), Policy 5012 (Parental, family, or marital status; pregnancy or related conditions), and 5404 (Family Medical and Maternity Leave).

Investigation and Response

The Superintendent will develop and implement procedures for receiving, investigating, and resolving complaints or reports of sex discrimination, including sex-based harassment, and will include reasonable and prompt timelines and delineate roles and responsibilities for such.

If the district knows, or reasonably should know, that sex-based discrimination has occurred, the district will promptly investigate to determine what occurred and will take appropriate steps to resolve the situation. If an investigation reveals that sex-based harassment has created a hostile environment, the district will take prompt and effective steps reasonably calculated to end sex-based harassment, eliminate the hostile environment, prevent its occurrence, and, as appropriate, remedy its effects. The district will take prompt, equitable, and remedial action within its authority every time a report, complaint, and grievance alleging sex-based harassment comes to the attention of the district, either formally or informally.

Allegations of criminal misconduct will be reported to law enforcement, and suspected child abuse will be reported to law enforcement or Child Protective Services as required by law. Regardless of whether the misconduct is reported to law enforcement, school staff will

promptly investigate to determine what occurred and take appropriate steps to resolve the situation to the extent that such investigation does not interfere with an ongoing criminal investigation. A criminal investigation does not relieve the district of its independent obligation to investigate and resolve sex-based harassment.

Engaging in sex-based discrimination will result in appropriate discipline or other appropriate sanctions against offending staff or third parties involved in district activities. Anyone else who engages in sex-based discrimination on district property or district workspaces will have their access to school property and activities restricted, as appropriate.

Retaliation and False Allegations

It is a violation of this policy to engage in retaliation, as defined under Federal and State laws and the Superintendent's procedure, against any person who makes or is a witness in a sex-based discrimination complaint and will result in appropriate discipline. The district will take appropriate actions to protect involved persons from retaliation.

It is a violation of this policy to knowingly report false allegations of sex-based discrimination. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline. However, no party, witness, or others participating in the district's grievance process will be disciplined based solely on a determination of whether sex-based discrimination occurred under the Superintendent's procedure.

Staff Responsibilities and Training

The Superintendent will develop and implement a procedure that identifies the roles, responsibilities, and training requirements of the Title IX Coordinator and school employees.

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

District Notice

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

This policy and the procedure, which includes the complaint process, will be conspicuously posted in each district building in a place accessible to staff, students, parents, volunteers, and visitors. Information about the policy and procedure will be clearly stated and posted throughout each school building, provided to each employee, and reproduced in each student, staff, volunteer, and parent handbook. Such notices will identify the district's Title IX coordinator and provide contact information, including the coordinator's email address.

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

Policy Review

The Superintendent will make an annual report to the board reviewing the use and efficacy of this policy and related procedures. Recommendations for changes to this policy, if

applicable, will be included in the report. The Superintendent is encouraged to involve staff, volunteers, and parents in the review process.

Procedure - Sex Discrimination and Sex-Based Harassment of Staff Prohibited

The district is committed to a positive and productive working environment free from sex-based discrimination, including sex-based harassment. This commitment extends to all employees, applicants for employment, and other people who are not students involved in academic, educational, extracurricular, athletic, and other programs or activities of the district, whether that program or activity is in a school facility, on school transportation, or at a class training held elsewhere.

The district does not discriminate on the basis of sex and prohibits sex discrimination in employment as required by Federal, State, and local laws. Discrimination on the basis of sex includes discrimination on the basis of sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, and gender expression. The district will not adopt or implement any policy, practice, or procedure or take any employment action that treats individuals differently on the basis of sex.

Sex-based harassment is a form of sex discrimination and is prohibited by the district and will also be investigated under that procedure. "Sex-based harassment" means sexual harassment and other harassment on the basis of sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, and gender expression.

The district has jurisdiction over complaints of sex-based discrimination and marital status pursuant to the Federal law Title IX of the Education Amendments of 1972 (Title IX) and Washington State laws, including RCW 49.60.

The district has adopted the definitions in [Procedure 3205P.1](#) for sex-based discrimination, including sex-based harassment, on the basis of sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, or gender expression.

Examples of sex-based discrimination of employees or applicants for employment include but are not limited to taking any of the following actions on the basis of sex stereotypes, sex characteristics, sexual orientation, gender identity, pregnancy, or related conditions:

- Refusal to hire or promote
- Firing an employee or forcing them to quit or retire
- Sex-based harassment, such as "quid pro quo harassment" and "hostile environment harassment"
- Other forms of sex-based harassment, such as specific offenses of sexual assault, dating violence, domestic violence, or stalking
- Providing unequal benefits or compensation
- Other materially unequal terms, conditions, or privileges of employment

Retaliation Prohibited

"Retaliation" means intimidation, threats, coercion, or discrimination against any person for the purpose of interfering with any right or privilege secured by Title IX, this district policy and procedure, or because the person reported information, made a complaint, was a witness or provided information, assisted, or participated or refused to participate in any

manner in an investigation or appeal under Title IX or the district's procedure. Retaliation is prohibited from the district, a student, or an employee or other person authorized by the district to provide any aid, benefit, or service under the district's education program or activity.

When the district has information about conduct that reasonably may constitute retaliation under Title IX or this policy and procedure, the district is obligated to respond promptly and effectively, inform the Title IX Coordinator, and provide notice of the district's grievance process for addressing complaints of retaliation. Upon receiving a complaint alleging retaliation, the district must initiate its grievance procedures as described below **or, as appropriate, an informal resolution process under those procedures.**^[1]

Grievance Procedure

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

Other forms of discrimination against employees or applicant employees that do not fall under that procedure may be addressed under other district policies and procedures, such as Policy 5010.

Staff Responsibilities, Training, and District Notice

The Superintendent Procedures at **3205P.2** describe how the District's Policy 5011 will be implemented, including:

- The roles, responsibilities, and training requirements of the Title IX Coordinator and school employees.
- That age-appropriate information and education to district staff, students, parents, and volunteers will be developed to explain this policy and to aid in the identification, recognition, and prevention of sex-based harassment.
- Where and how district will provide notice about the policy as required by Title IX and other laws.

For questions about this procedure, contact **the District's Title IX Coordinator, who can be reached at:**

Gerry Grubbs / Superintendent
Title IX Coordinator
436 Index Ave., Index, WA. 98256
(360) 793-1330
ggrubbs@index.k12.wa.us

Drug-Free Schools, Community, and Workplace

The board has an obligation to staff, students, and citizens to take reasonable steps to provide a reasonably safe workplace and to provide safety and high quality performance for the students who the staff serve.

For purposes of this policy, the "workplace" is defined to mean the site for the performance of work done, which includes work done in connection with a federal grant. The "workplace" includes any district building or any district property; any district-owned vehicle or any other district-approved vehicle used to transport students to and from school or school activities; and off district property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the district which could also include work on a federal grant.

Prohibited Behavior

To help maintain a drug-free school, community, and workplace, the following behaviors will not be tolerated:

- A. Reporting to work or the workplace under the influence of alcohol, illegal and/or controlled substances including marijuana (cannabis) and anabolic steroids.
- B. Using, possessing, transmitting alcohol, illegal and/or controlled substances, including marijuana (cannabis) and anabolic steroids, in any amount, in any manner, and at any time in the workplace.
- C. Any staff member convicted of a crime attributable to the use, possession, or sale of illegal and/or controlled substances, including marijuana (cannabis) and anabolic steroids, will be subject to disciplinary action, including termination.
- D. Using district property or the staff member's position within the district to make or traffic alcohol, illegal and/or controlled substances, including marijuana (cannabis) and anabolic steroids.
- E. Using, possessing or transmitting illegal and/or controlled substances, including marijuana (cannabis) and anabolic steroids.

Notification Requirements

Any staff member who is taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with the safe performance of his/her job. If the use of a medication could compromise the safety of the staff member, other staff members, students or the public, it is the staff member's responsibility to use appropriate personnel procedures (e.g., use leave, request change of duty, or notify his/her supervisor of potential side effects) to avoid unsafe workplace practices. If a staff member notifies his/her supervisor that the use of medication could compromise the safe performance of his/her job, the supervisor, in conjunction with the district [insert district department/office (e.g. human resources)], then will determine whether the staff member can remain at work and whether any work restrictions will be necessary.

As a condition of employment, each employee will notify his or her supervisor of a

conviction under any criminal drug statute violation occurring in the workplace. Such notification will be provided no later than 5 days after such conviction. The district will inform the federal granting agency within 10 days of such conviction, regardless of the source of the information.

Disciplinary Action

Each employee will be notified of the district's policy and procedures regarding employee drug activity at work. Any staff member who violates any aspect of this policy will be subject to disciplinary action, which may include termination. As a condition of eligibility for reinstatement, an employee may be required to satisfactorily complete a drug rehabilitation or treatment program approved by the district, at the employee's expense. Nothing in this policy will be construed to guarantee reinstatement of any employee who violates this policy, nor does the district incur any financial obligation for treatment or rehabilitation ordered as a condition of eligibility for reinstatement.

The district may notify law enforcement agencies regarding a staff member's violation of this policy at the district's discretion or take other actions as it the district deems appropriate.

Procedure - Maintaining Professional Staff/Student Boundaries

Many educators or volunteers who cross the line of professional boundaries may not consciously begin with predatory motivation in mind. Instead, they allow themselves to develop a special relationship with a student that results in situations where their professionalism is compromised. Sometimes, this leads to sexual misconduct. All of this can be prevented by maintaining professional boundaries with students.

Educators, volunteers, students, parents, and other concerned adults are the key to stopping unprofessional conduct against students. Hence, the following information will help you to help protect students, your school, and the profession.

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 other administrator) 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 bone fide health, safety, or educational purpose for the student. Such situations are the opposite of maintaining professional boundaries with students. 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;
- C. Taking inappropriate photographs of a student, or taking an inordinate number of photographs of a student;
- D. Any kind of flirtatious or sexual communications with a student;

- E. 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;
- F. Providing alcohol, drugs, or tobacco to students or failing to report their use of these substances;
- G. 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;
- H. Sending students on personal errands unrelated to any educational purpose;
- I. Banter, allusions, jokes, or innuendos of a sexual nature with students;
- J. Favorably commenting on a student’s appearance if it is unduly revealing or if the comments have no educational value;
- K. Disclosing personal, sexual, family, employment concerns or other private matters to one or more students;
- L. 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;
- M. Maintaining personal contact (including “friending” or “following”) a student on any social networking application or device;
- N. Sending phone, e-mail, 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 a student’s communication, the staff member shall reply by including the student’s parent/guardian and an administrator. Staff members should use school e-mail addresses and phone numbers and the parents’ phone numbers for communications with students, except in an emergency situation;
- N. Exchanging or providing personal gifts, cards, or personal 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 *District note: insert appropriate person/department (e.g. assistant superintendent or director in charge of the district's human resources)*]. The *insert appropriate person/department (e.g. assistant superintendent or director of human resources)* will see that the matter is investigated and documented, and if a boundary invasions have occurred without a legitimate educational or safety purpose, that appropriate action is taken and documented. The [insert appropriate person/department (e.g. assistant superintendent or director of human resources) will maintain a file documenting reports, letters of direction, and discipline relating to professional boundary investigations.

Reminder About Reporting Sexual Abuse

In some situations, the person engaging in boundary invasions with a student may also have engaged in child abuse or sexual abuse, which is defined in Board Policy 3421 - Child Abuse and Neglect. Remember that according to law (RCW 26.44.020) and Board Policy 3421, all school personnel who have reasonable cause to believe that a student has experienced sexual abuse by an adult or student are required to make a report to Child Protective Services and/or law enforcement. (See Board Policy 3421.) 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 policy may result in disciplinary action up to and including dismissal. Violations of this policy may occur by ignoring professional boundaries as well as failing to report another staff member or volunteer who is ignoring professional boundaries. In any disciplinary situation, the Superintendent should consider whether the conduct violates the Code of Professional Conduct in Chpt. WAC 181-87 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 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 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

This policy and 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. The district shall also provide a copy of this policy and procedure to students and their parents during each school year.

Procedure - Reporting Improper Governmental Action (Whistleblower Protection)

I. Definitions:

As used in this policy and procedure, the following terms will have the meanings indicated.

- A. "Improper governmental action" means any action by a district officer or employee:
1. That is undertaken in the performance of the officer or employee's official duties, whether or not the action is within the scope of the employee's employment; and
 2. That (i) is in violation of any federal, state, or local law or rule, (ii) is an abuse of authority, (iii) is of substantial and specific danger to the public health or safety, or (iv) is a gross waste of public funds.
 3. Improper governmental action does not include personnel actions including, but not limited to, employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the collective bargaining and civil service laws, alleged labor agreement violations, reprimands, or any action that may be taken under chapters 41.56 and 41.59 RCW.
- B. "Retaliatory action" means (a) any adverse change in an employee's employment status or the terms and conditions of employment, including denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal, or any other disciplinary action; or (b) hostile actions by another employee towards a local government employee that were encouraged by a supervisor or senior manager or official.
- C. "Emergency" means a circumstance that if not immediately changed may cause damage to persons or property.

Employees are encouraged to report instances which they believe constitute improper governmental action.

II. Reporting:

Employees who become aware of actions that they believe in good faith constitute improper governmental action should raise the issue first with their supervisor. Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise the issue directly with the superintendent or the person whom the superintendent has designated to receive reports of improper governmental action. If requested by the supervisor or superintendent/designee, the employee will submit a written report to the supervisor or superintendent/designee, stating in detail the basis for the employee's belief that an improper governmental action has occurred.

In case of an emergency where the employee believes that damage to persons or property may result if change is not taken immediately, or where the employee has a legal obligation to report (for instance, where child abuse is suspected), the employee will report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action.

District employees who fail to make a good faith attempt to follow this policy and procedure in reporting improper governmental action will not be eligible for the protection outlined.

III. Response:

The employee's supervisor, the superintendent or the superintendent's designee will take prompt action to see that the report of improper governmental action is properly investigated.

District officers and employees involved in the investigation will keep the identity of reporting employees confidential to the extent possible under law, unless the employees authorize the disclosure of their identities in writing.

After an investigation has been completed, the reporting employee will receive a summary of the investigation results, except to the extent that resulting personnel actions must be kept confidential. If a reporting employee reasonably believes that an adequate investigation was not done by the district, that insufficient action has been taken, or that the improper governmental action is likely to recur, the employee may report information about the improper governmental action directly to the appropriate government agency.

IV. Retaliation:

Employees who believe that they have been retaliated against for reporting an improper governmental action in good faith should advise their supervisor, the superintendent or the superintendent's designee. Appropriate action to investigate and address complaints of retaliation will be taken.

If the complaint cannot be informally resolved, the employee will provide written notice to the superintendent/designee that specifies (i) the alleged retaliatory action and (ii) the relief requested by the employee. The written complaint must be delivered no later than thirty days after the occurrence of the alleged retaliation. The district will respond to the complaint within thirty days of receiving the written notice.

If the employee alleging retaliation receives no response from the district within thirty days or objects to the district's response, the employee may request a hearing to establish a retaliatory action occurred and to obtain appropriate relief before a state administrative law judge. The request for a hearing must be delivered in writing to the superintendent/designee either within fifteen days of delivery of the district's response, or 45 days after the complaint was filed, if there was no response.

The district will apply for a hearing within five working days to:

Office of Administrative Hearings
P.O. Box 42489
Olympia, Washington 98504-2489
(360) 407-2700

The district will consider any recommendation provided by the administrative law judge that an employee found to have retaliated against an employee who reported improper governmental action be suspended with or without pay or dismissed.

V. Intimidation Prohibited:

A district officer or employee may not use his or her official authority or influence, directly or indirectly, to threaten, intimidate, or coerce an employee for the purpose of interfering with that employee's right to report or disclose information concerning an improper governmental action.

VI. Administration:

A summary of this policy and procedure will be permanently posted where all employees will have reasonable access to it, the policy and procedure will be made available to any employee who requests them, and the policy and procedure will be given to all new employees.

The following is a list of agencies responsible for enforcing federal, state, and local laws and investigating issues involving potential improper governmental action. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact their supervisor, the superintendent or designee.

Local City Police Dept. or County Sheriff's Office

Local County Prosecutor's Office

Local City or County Environmental Protection Office

Local or County Health Department

Washington Attorney General's Office
Consumer Protection Division
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
(800) 551-4636

U.S. Department of Education
Office of the Inspector General

400 Maryland Avenue, S.W.
Washington, D.C. 20202-1500
Audits: (800) MIS-USED

Washington Auditor's Office
Insurance Building
Capitol Campus
P.O. Box 40021
Olympia, Washington 98504-0021
(564) 999-0950

U.S. Environmental Protection Agency
Washington Operations Office
300 Desmond Dr., Suite 102
Lacey, WA 98503
(360) 753-9437

Washington Department of Ecology
300 Desmond Drive SE or P.O. Box 47600
Lacey, Washington 98504-7600
(360) 407-6000

U.S. Equal Employment Opportunity Commission
909 First Avenue, Suite 400
Seattle, WA 98104-1061
(800) 669-4000

Washington Human Rights Commission
711 South Capitol Way, Suite 402
Olympia, Washington 98504-2490
(800) 233-3247

Washington Dept. of Labor & Industries
P.O. Box 44000
Olympia, Washington 98504-4000
(800) 547-8367

Washington Department of Natural Resources
1111 Washington St. SE or MS 47000
Olympia, Washington 98504-7000
(360) 902-1000

Washington Superintendent of Public
Instruction
Old Capitol Building
600 Washington Street SE or P.O. Box 47200
Olympia, Washington 98504-7200
(360) 725-6000

Federal Emergency Mgmt. Agency (FEMA)
130 228th Street SW
Bothell, WA 98021-9796
(425) 487-4600

U.S. Department of Labor
Occupational Safety and Health

20425 72nd Avenue, Suite 150 A
Kent, WA 98032-2388
(206) 757-6677

National Transportation Safety Board
Washington, DC
429 L'Enfant Plaza, SW
Washington D.C., DC 20594
(202) 314-6000

U.S. Department of Commerce
Office of Inspector General
1401 Constitution Avenue N.W.
Washington, DC 20230
(800) 424-5197