

Board of Directors

Regular Meeting January 19, 2021 7:00 p.m.

Governor Inslee's [Proclamation 20-28 et seq.](#) extends the statutory waivers and suspensions related to the Open Public Meetings Act (OPMA) until January 19, 2021, temporarily suspending portions of the OPMA that require in-person meetings.

The public may attend online using this Zoom webinar link:

<https://fpschools.zoom.us/j/99813433059?pwd=QitKY0xPcmhNbEZvM3RoL282Z0l5Zz09>

or by phone at +1 (253) 215 8782 or +1 (346) 248 7799 or +1 (312) 626 6799.

Webinar ID: 998 1343 3059 Password: WsRm011921

Audience and community comments will be limited to two minutes per person. Please deliver written comments or schedule oral comments with the Superintendent's Office (kholtlen@fpschools.org or 253-298-3010) by 3 p.m. the day before the meeting.

If you have any questions, you may contact Kristin Holten at (253) 298-3010.

FRANKLIN PIERCE SCHOOLS

Jo Anne Matson Administrative Center
315 129th Street South
Tacoma, WA 98444
www.fpschools.org
253-298-3000

Franklin Pierce School Board's Operating Principles

Operating principles define the beliefs, values, and methods of working together. Successful organizations are the result of effective and dynamic leadership. To assure quality operations, leaders must agree on basic ways of working together. We, the Franklin Pierce Board and Superintendent, have discussed and agree to abide by these principles.

Communications, Cooperation, and Trust

- Support each other constructively and courteously
- Engage in discussions
- Be open-minded and adaptive to change
- Maintain confidentiality
- Focus discussions on issues, not personalities
- Uphold the integrity of every individual
- Involve those parties who will be affected by the decision and solution
- Strive to avoid any perception of a conflict of interest
- Communications between staff and the Board are encouraged
- Requests for information from the Superintendent which will take considerable time to prepare will come from the Board rather than an individual Board member

Effective Meetings

- Share ideas about new programs and directions with the Superintendent before making them public
- Read all materials and ask questions in advance
- Respect the majority and do not take unilateral action
- Board meetings will be for consideration, information, and actions
- Work sessions will be for discussions, deliberation, and direction
- Executive sessions will be held only when specific needs arise
- The President will communicate and enforce the audience participation protocol

Decision Making

- Clearly communicate decisions and their rationale
- Re-evaluate each major decision
- Move the question or table the question when discussion is repetitive
- The Superintendent will make recommendations on most matters before the Board
- Consider research, best practice, innovative and creative strategies, and public input in all decision making

Addressing Citizen or Staff Complaints

- Use proactive, clear, and transparent communication
- Be available to hear community concerns and encourage citizens to present their district issues, problems, or proposals to the appropriate person
- Direct all personnel complaints and criticisms to the Superintendent

Board Operations

- Attend training and networking opportunities
- The President will communicate regularly with the Superintendent and share pertinent information with the Board
- The President or designee will be the Board spokesperson
- Conduct an annual self-evaluation and promptly address specific issues that hinder Board effectiveness
- Set clear and concise goals for the Board and the Superintendent
- Emphasize planning, policy making, and public relations rather than becoming involved in the management of the schools

**REGULAR MEETING OF THE BOARD OF DIRECTORS
January 19, 2021 – 7 p.m.**

AGENDA

The public may attend the meeting online by using this Zoom webinar link
<https://fpschools.zoom.us/j/99813433059?pwd=QitKY0xPcmhNbEZvM3RoL282Z0l5Zz09>
 or by phone at +1 (253) 215-8782 or +1 (346) 248-7799 or +1 (312) 626-6799.
 Webinar ID: 998 1343 3059 Passcode: WsRm011921

- I. Call to Order**
- II. Flag Salute**
- III. Establishment of a Quorum**
- IV. Adoption of Agenda**
- V. Special Recognition**
- VI. Announcements and Communication**
 - 1. Superintendent (including an update on the return to in-person learning)
 - 2. Student Representatives
 - 3. Board of Directors
 - 4. Audience/Community – Comments will be limited to two minutes per person and must be delivered as written comments or scheduled as oral comments with the Superintendent’s Office (kholtlen@fpschools.org or 253-298-3010) by 3 p.m. the day before the meeting.
- VII. Consent Agenda**
 - 1. Minutes: December 1, 2020; December 8, 2020; December 9, 2020; January 5, 2021A
 - 2. Audit of Expenditures: December 2020 B
 - 3. Personnel Action C
 - 4. Budget Status Reports: November 2020 D
- VIII. Unfinished Business**
 - 1. Policy 3120 – Enrollment E
- IX. New Business**
 - 1. Final Acceptance – Ford Middle School Building 300 F
 - 2. Final Acceptance – Washington High School Stem Lab G
 - 3. Information Technology Surplus Request H
- X. Proposals**
 - 1. Policy 1732 – Board Member Insurance I
 - 2. Policy 3143 – Notification and Dissemination of Information about Student Offenses and Notification of Threats of Violence or Harm J
 - 3. Policy 3205 – Sexual Harassment of Students Prohibited K
 - 4. Policy 3510 – Associated Student Bodies L
- XI. Information**
 - 1. Procedure 3143P – Notification and Dissemination of Information about Student Offenses and Notification of Threats of Violence or Harm M
 - 2. Procedure 3205P – Sexual Harassment of Students Prohibited N
 - 3. Procedure 3510P – Associated Student Bodies O
- XII. Executive Session – Superintendent’s Informal Mid-Year Evaluation P**
- XIII. Adjournment**

Next Meeting: February 9, 2021



Franklin Pierce Schools

Administration Offices - 315 129th Street South - Tacoma, WA 98444 – (253) 298-3000
Board directors and audience attended via Zoom video webinar ID 953 5565 6021 – (253) 215-8782

December 1, 2020

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS

CALL TO ORDER

Mr. Roberts called the special meeting to order at 6:06 p.m.

BOARD MEMBERS PRESENT

Mr. Davis, Dr. Mendoza, Mr. Roberts, Mrs. Sherman. Excused: Ms. Gallogly.

SPECIAL MEETING

The Board of Directors reviewed and discussed the following items:

1. Superintendent's Update
2. Upcoming Legislative Issues
3. Strategic Planning and Equity Update
4. WSSDA Annual Conference Debrief

ADJOURNMENT

There being no business to transact, the special meeting adjourned at 8:07 p.m.

Secretary of the Board

President of the Board

Franklin Pierce Schools

Administration Offices - 315 129th Street South - Tacoma, WA 98444 – (253) 298-3000
Board directors and audience attended via Zoom video webinar ID 918 6949 0007 – (253) 215-8782

December 8, 2020

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS

CALL TO ORDER

Mr. Roberts called the special meeting to order at 6:10 p.m.

BOARD MEMBERS PRESENT

Ms. Gallogly, Dr. Mendoza, Mr. Roberts, Mrs. Sherman. Excused: Mr. Davis.

SPECIAL MEETING

The Board of Directors reviewed and discussed the following items:

1. Superintendent's Update
2. Affirmative Action Update
3. FLO Analytics Enrollment Projections Update

ADJOURNMENT

There being no business to transact, the special meeting adjourned at 7:04 p.m.

Secretary of the Board

President of the Board

Franklin Pierce Schools

Jo Anne Matson Administrative Center - 315 129th Street South - Tacoma, WA 98444 – (253) 298-3000
Board directors and audience attended via Zoom video webinar 918 6949 0007 – (253) 215-8782

December 8, 2020

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS

CALL TO ORDER

Mr. Roberts called the meeting to order at 7:07 p.m.

BOARD MEMBERS PRESENT

Ms. Gallogly, Dr. Mendoza, Mr. Roberts, Mrs. Sherman. Excused: Mr. Davis.

ELECTION OF 2021 SCHOOL BOARD PRESIDENT

20-M-128

Ms. Gallogly nominated Mr. Roberts for School Board President for 2021. There were no further nominations. It was moved by Ms. Gallogly, seconded by Mrs. Sherman, and unanimously passed by roll call vote that the Board of Directors approve Mr. Roberts as the School Board President for 2021.

ELECTION OF 2021 SCHOOL BOARD VICE PRESIDENT

20-M-129

Mrs. Sherman nominated Dr. Mendoza for School Board Vice President for 2021. There were no further nominations. It was moved by Mrs. Sherman, seconded by Ms. Gallogly, and unanimously passed by roll call vote that the Board of Directors approve Dr. Mendoza as the School Board Vice President for 2021.

AGENDA

20-M-130

It was moved by Mrs. Sherman, seconded by Ms. Gallogly, and unanimously passed that the Board of Directors adopt the agenda as presented.

ANNOUNCEMENTS & COMMENTS FROM THE SUPERINTENDENT

Mr. Goodpaster commented on district and community activities and events.

ANNOUNCEMENTS & COMMENTS FROM THE BOARD OF DIRECTORS

- Dr. Mendoza requested more information about the proposed changes by our local health department.
- Mr. Roberts and Mrs. Sherman commented on the 2020 year.

ANNOUNCEMENTS & COMMENTS FROM THE COMMUNITY

Ms. Pam Kruse, FPEA President, commented on following the science in response to the pandemic and thanked the School Board Directors for their staff appreciation video.

CONSENT AGENDA

20-M-131

It was moved by Dr. Mendoza, seconded by Mrs. Sherman, and unanimously passed that the Board of Directors approve the Consent Agenda as presented.

(1) Minutes

Minutes of the Board of Directors for the special and regular meetings held on November 10, 2020, were approved.

(2) Audit of Expenditures

Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, expense reimbursement claims certified as required by RCW 42.24.090, and payroll disbursements, are identified below and approved for payment. The Franklin Pierce Board of Directors, at its regularly scheduled meeting held December 8, 2020, authorized the County Treasurer to pay all warrants/transfers specified below.

(2) Audit of Expenditures (continued)

	<u>Number</u>	<u>Amount</u>	<u>Date Issued</u>
General Fund – Payroll	Direct Deposit/Bank Fees	\$5,665,823.63	11/30/2020
	268886-268900	\$9,024.17	11/30/2020
	268900-268935	\$2,807,450.95	11/30/2020
General Fund – A/P	A/P Direct Deposit	\$29,349.15	11/13/2020
	268832-268875	\$504,485.39	11/13/2020
	A/P Direct Deposit	\$278,696.16	11/30/2020
	268936-268975	\$505,797.37	11/30/2020
Capital Projects	A/P Direct Deposit	\$424,533.47	11/13/2020
	268876-268883	\$1,519,476.41	11/13/2020
	A/P Direct Deposit	\$137,100.58	11/30/2020
	268976-268981	\$223,888.21	11/30/2020
ASB	268884	\$75.00	11/13/2020
	A/P Direct Deposit	\$970.27	11/30/2020
Trust	A/P Direct Deposit	\$27.45	11/30/2020

(3) Personnel Action

NEW HIRES

NAME	JOB TITLE / LOCATION	EFFECTIVE DATE
Biggs, Christina	Paraeducator / Brookdale	11/23/2020
Mukai, Jonathan	Bus Driver / Transportation	11/04/2020

TERMINATIONS

NAME	JOB TITLE / LOCATION	EFFECTIVE DATE
Sprague, Rebekah	ECEAP Teacher / Hewins ELC	11/06/2020

APPOINTMENTS / PROMOTIONS / TRANSFERS

NAME	NEW JOB TITLE / LOCATION	EFFECTIVE DATE
Fulton, Laura	Central Kitchen Manager / Keithley	11/19/2020
Wyatt, Jennie	ECEAP Teacher / Hewins ELC	11/09/2020

(4) Investment and Financial Reports

Budget status reports for the General Fund, Capital Projects Fund, Debt Service Fund, ASB Fund, and Transportation Vehicle Fund for the month of October 2020.

POLICY 4300 – LIMITING IMMIGRATION ENFORCEMENT IN SCHOOLS**20-M-132**

It was moved by Mrs. Sherman, seconded by Ms. Gallogly, and unanimously passed that the Board of Directors adopt new Board Policy 4300 – Limiting Immigration Enforcement in Schools.

2020-2021 AMENDED AGREEMENT WITH PSESD EARLY LEARNING PROGRAM**20-M-133**

It was moved by Dr. Mendoza, seconded by Ms. Gallogly, and unanimously passed that the Board of Directors approve Amendment #4 to Contract #11088 – Agreement between Puget Sound Educational Service District Early Learning Program and Franklin Pierce School District.

POLICY 3120 – ENROLLMENT

Mr. James Hester, Deputy Superintendent of PK-12, presented revised Board Policy 3120 – Enrollment for first reading. This item will be placed on the agenda for action at the next regularly scheduled Board of Directors meeting.

PROCEDURE 3120P – ENROLLMENT

Mr. James Hester, Deputy Superintendent of PK-12, presented revised Board Procedure 3120P – Enrollment as an information only item.

EXECUTIVE SESSION

Mr. Roberts announced an executive session of the Board at 7:45 p.m. for approximately 30 minutes with no action to follow to discuss litigation or potential litigation in accordance with RCW 42.30.110 and Board Policy 1410 – Executive or Closed Sessions. Mr. Roberts reconvened the meeting at 8:07 p.m.

ADJOURNMENT

Mr. Roberts announced that the next regular meeting of the Board of Directors will be held on Tuesday, January 19, 2021 beginning at 7 p.m. The meeting will be held remotely or in the Jo Anne Matson Administrative Center depending on current public health and open public meeting regulations.

There being no further business to transact, the meeting adjourned at 8:10 p.m.

 Secretary of the Board

 President of the Board

Franklin Pierce Schools

Jo Anne Matson Administrative Center - 315 129th Street South - Tacoma, WA 98444 - (253) 298-3000
Panelists and audience attended via Zoom video webinar ID: 820 1220 2914 hosted by the Bethel School District.

December 9, 2020

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS

BOARD MEMBERS PRESENT

Ms. Gallogly, Dr. Mendoza, Mr. Roberts, Mrs. Sherman. Excused: Mr. Davis.

LEGISLATORS PRESENT

Rep. Andrew Barkis, Rep. Michelle Caldier, Rep. Kelly Chambers, Rep. Jake Fey, Rep. Chris Gildon, Rep. Laurie Jinkins, Rep. Steve Kirby, Rep. Mari Leavitt, Rep. Melanie Morgan, Rep. J.T. Wilcox, Sen. Steve Conway, Sen. Jeannie Darnelle, Sen. Phil Fortunato, Sen. Emily Randall, Sen. Claire Wilson.

OTHER SCHOOL DISTRICTS PRESENT

Bethel School District, Carbonado School District, Chief Leschi School District, Clover Park School District, Dieringer School District, Eatonville School District, Fife School District, Orting School District, Peninsula School District, Puyallup School District, Steilacoom School District, Sumner-Bonney Lake School District, Tacoma School District, University Place School District, White River School District.

The Franklin Pierce School District Board of Directors and other Pierce County school board directors met with state legislators to discuss a joint legislative agenda impacting all Pierce County schools.

PIERCE COUNTY SCHOOLS LEGISLATIVE GOALS:

1. Welcome and Introductions
2. Discussion of Legislative Topics

No action was taken during the special meeting. This meeting was open to the public.

Secretary of the Board

President of the Board

Franklin Pierce Schools

Administration Offices - 315 129th Street South - Tacoma, WA 98444 – (253) 298-3000
Board directors and audience attended via Zoom video webinar ID 920 7295 1150 – (253) 215-8782

January 5, 2021

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS

CALL TO ORDER

Mr. Roberts called the special meeting to order at 6:01 p.m.

BOARD MEMBERS PRESENT

Mr. Davis, Ms. Gallogly, Dr. Mendoza, Mr. Roberts, Mrs. Sherman.

SPECIAL MEETING

The Board of Directors reviewed and discussed the following items:

1. Superintendent's Update
2. Submission of Mid-Year Report and Prep for Superintendent's Mid-Year Evaluation
3. New Department of Health Guidance and Re-Opening Update
4. Historical Collins Feedback and Discussion
5. School Board Equity Work

ADJOURNMENT

There being no business to transact, the special meeting adjourned at 8:01 p.m.

Secretary of the Board

President of the Board



Franklin Pierce Schools

315 129th Street S, Tacoma, WA 98444
253-298-3010, Fax 253-298-3015
www.fpschools.org

MEMORANDUM

TO: Board of Directors
FROM: Tammy Bigelow, Director of Business Services
DATE: January 19, 2021
SUBJECT: Audit of Expenditures

Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, expense reimbursement claims certified as required by RCW 42.24.090, and payroll disbursements are identified below and approved for payment. The Franklin Pierce Board of Directors, at its regularly scheduled meeting held January 19, 2021, authorizes the County Treasurer to pay all warrants/transfers specified below. To obtain a copy of the detailed listing, please contact the Superintendent's Office.

	<u>Number</u>	<u>Amount</u>	<u>Date Issued</u>
General Fund – Payroll	Direct Dep/Bank Fees	\$5,607,333.95	12/31/2020
	269034-269045	\$8,847.72	12/31/2020
	269046-269081	\$2,861,312.03	12/31/2020
General Fund – A/P	A/P Direct Deposit	\$14,570.69	12/15/2020
	268982-269020	\$615,620.36	12/31/2020
	A/P Direct Deposit	\$83,249.66	12/15/2020
	269082-269130	\$574,148.37	12/31/2020
	BMO Direct Deposit	\$378,559.54	12/31/2020
Capital Projects	A/P Direct Deposit	\$197,614.14	12/15/2020
	269021-269032	\$1,768,445.83	12/31/2020
	A/P Direct Deposit	\$33,585.26	12/15/2020
	269131-269137	\$181,077.07	12/31/2020
	BMO Direct Deposit	\$14,192.74	12/31/2020
ASB	BMO Direct Deposit	\$9,231.29	12/31/2020

MEMORANDUM

TO: Board of Directors
FROM: Brandy Marshall, Director of Human Resources
DATE: January 19, 2021
SUBJECT: Personnel Action

NEW HIRES

NAME	JOB TITLE / LOCATION	EFFECTIVE DATE	REASON
Budrevich-Ryan, Kevin	Teacher / Washington	12/16/2020	Leave Replacement
Hester, Abigail	Paraeducator / Elmhurst	01/04/2021	Replacement
Isaacson, Abbagail	Paraeducator / Central Avenue	12/08/2020	Growth
Kobes, Cameron	Temporary Computer Repair Tech / IT	12/07/2020	Temporary
Leon, Bianca	Paraeducator / Harvard	01/05/2021	Replacement
Palomera Martinez, Luz	Paraeducator / Hewins ELC	12/07/2020	Replacement

TERMINATIONS

NAME	JOB TITLE / LOCATION	HIRE DATE	EFFECTIVE DATE	REASON
Brown, Mary	Chief Custodian / Harvard	11/22/2004	12/31/2020	Retirement
Burg, Matthew	Paraeducator / Brookdale	11/07/2019	12/16/2020	Resignation
Carlton, Tiffany	Paraeducator / Midland	08/28/2018	11/27/2020	Reduction in Force
Delvaux, Nicholas	Bus Driver / Transportation	04/03/2017	11/24/2020	Resignation
Dismuke, Shirley	Admin Assistant / FPHS	04/18/2016	12/18/2020	Resignation
Mims, Regina	Paraeducator / James Sales	08/28/2018	01/04/2021	Resignation
Schroeder, Arianne	Admin Assistant / Keithley	11/21/2016	12/11/2020	Resignation
Sheard, Marilyn	Chief Custodian / Collins	09/09/2004	12/31/2020	Retirement
Smith, Jodi	Paraeducator / Collins	09/01/2015	01/04/2021	Resignation
Trahan, Tanya	Paraeducator / Elmhurst	02/18/2020	12/01/2020	Resignation
Weimer, Jennifer	Teacher / Midland	08/31/2020	01/22/2021	Resignation

APPOINTMENTS / PROMOTIONS / TRANSFERS

NAME	PREVIOUS JOB TITLE / LOCATION	EFFECTIVE DATE	NEW JOB TITLE / LOCATION	REASON
Crawford, Robert	Chief Custodian / Central Avenue	01/13/2021	Chief Custodian / Harvard	Reassignment
Deck, Lawrence	Chief Custodian / GATES & Small Sites	01/12/2021	Chief Custodian / Collins	Reassignment
Mead, Beth	NS Assistant 1 / Franklin Pierce	12/14/2020	NS Manager 1 / Franklin Pierce	Promotion
Rodriguez, Nora	Paraeducator / Midland	01/04/2021	Leave Replacement Para / Christensen	Reassignment

LEAVES OF ABSENCE

NAME	POSITION / LOCATION	LEAVE TYPE	LEAVING	RETURNING
Brown, Brooke	Teacher / Washington	General Leave 0.6	01/04/2021	09/01/2021



Franklin Pierce Schools

315 129th Street S, Tacoma, WA 98444
253-298-3010, Fax 253-298-3015
www.fpschools.org

MEMORANDUM

TO: Board of Directors
FROM: Tammy Bigelow, Director of Business Services
DATE: January 19, 2021
SUBJECT: Budget Status Reports, November 2020

Attached are the Budget Status Reports for all funds for November 2020.

General Fund

As of November 30, 2020, the ending fund balance was \$15,443,996. Property tax receipted was \$886,759 in November for a total revenue of \$7,229,120. Expenditures totaled \$9,760,266 with an excess of expenditures over revenues of \$2,531,146.

Capital Project Fund

As of November 30, 2020, the ending fund balance was \$65,104,199. Property tax receipted was \$141,799. Local income from rentals, interest, Erate and impact fees totaled \$75,155.

- **Expenditures:**
 - **Bond: \$2,262,743**
 - **Technology Levy: \$39,464**
 - New Computers: \$7,332
 - Fiber: \$19,125
 - Utilities: \$13,007

Debt Service Fund

Property tax collections in November totaled \$687,752 with an ending fund balance of \$7,533,572. Principal and interest payments due December 1 in the amount of \$6,439,500.

Associated Student Body Fund

Ending fund balance was \$390,270.

Transportation Vehicle Fund

Ending fund balance was \$523,519.

If you have any questions after reviewing these reports, please contact me for assistance. Thank you.

10--General Fund-- FUND BALANCE -- AGENCY ACCOUNTS -- Revised -- BUDGET-STATUS-REPORT
Fiscal Year 2020 (September 1, 2020 - August 31, 2021)

For the FRANKLIN PIERCE SCHOOLS School District for the Month of November, 2020

	ANNUAL	ACTUAL	ACTUAL			
<u>A. REVENUES/OTHER FIN. SOURCES</u>	<u>BUDGET</u>	<u>FOR MONTH</u>	<u>FOR YEAR</u>	<u>ENCUMBRANCES</u>	<u>BALANCE</u>	<u>PERCENT</u>
1000 LOCAL TAXES	12,946,977	886,759.85	5,745,156.32		7,201,820.68	44.37
2000 LOCAL SUPPORT NONTAX	831,000	22,326.65	51,470.34		779,529.66	6.19
3000 STATE, GENERAL PURPOSE	74,334,454	4,275,044.82	16,522,761.03		57,811,692.97	22.23
4000 STATE, SPECIAL PURPOSE	24,726,762	1,264,958.47	5,133,052.53		19,593,709.47	20.76
5000 FEDERAL, GENERAL PURPOSE	75,000	6,160.85	18,482.55		56,517.45	24.64
6000 FEDERAL, SPECIAL PURPOSE	14,150,723	773,679.08	1,526,128.70		12,624,594.30	10.78
7000 REVENUES FR OTH SCH DIST	500	190.28	380.56		119.44	76.11
8000 OTHER AGENCIES AND ASSOCIATES	4,000	.00	.00		4,000.00	0.00
9000 OTHER FINANCING SOURCES	0	.00	.00		.00	0.00
<u>Total REVENUES/OTHER FIN. SOURCES</u>	127,069,416	7,229,120.00	28,997,432.03		98,071,983.97	22.82
<u>B. EXPENDITURES</u>						
00 Regular Instruction	67,377,760	4,780,933.72	14,465,666.14	42,247,834.27	10,664,259.59	84.17
10 Federal Stimulus	0	.00	.00	0.00	.00	0.00
20 Special Ed Instruction	20,846,055	1,776,833.46	4,955,107.78	14,583,627.29	1,307,319.93	93.73
30 Voc. Ed Instruction	4,270,649	291,890.88	864,267.13	2,512,693.35	893,688.52	79.07
40 Skills Center Instruction	0	.00	.00	0.00	.00	0.00
50+60 Compensatory Ed Instruct.	12,620,408	873,649.37	2,810,488.68	7,817,301.71	1,992,617.61	84.21
70 Other Instructional Pgms	1,914,879	71,810.75	388,161.15	422,710.35	1,104,007.50	42.35
80 Community Services	769,945	64,159.46	181,245.07	455,075.64	133,624.29	82.64
90 Support Services	30,724,920	1,900,989.31	6,028,344.45	15,339,946.45	9,356,629.10	69.55
<u>Total EXPENDITURES</u>	138,524,616	9,760,266.95	29,693,280.40	83,379,189.06	25,452,146.54	81.63
<u>C. OTHER FIN. USES TRANS. OUT (GL 536)</u>	0	.00	.00			
<u>D. OTHER FINANCING USES (GL 535)</u>	0	.00	.00			
<u>E. EXCESS OF REVENUES/OTHER FIN.SOURCES</u>						
<u>OVER (UNDER) EXP/OTH FIN USES (A-B-C-D)</u>	11,455,200-	2,531,146.95-	695,848.37-		10,759,351.63	93.93-
<u>F. TOTAL BEGINNING FUND BALANCE</u>	19,000,000		16,139,844.63			
<u>G. G/L 898 PRIOR YEAR ADJUSTMENTS(+OR-)</u>	XXXXXXXXXX		.00			
<u>H. TOTAL ENDING FUND BALANCE</u>	7,544,800		15,443,996.26			
<u>(E+F + OR - G)</u>						

20--Capital Projects-- FUND BALANCE -- AGENCY ACCOUNTS -- Revised -- BUDGET-STATUS-REPORT
Fiscal Year 2020 (September 1, 2020 - August 31, 2021)

For the FRANKLIN PIERCE SCHOOLS School District for the Month of November, 2020

	ANNUAL	ACTUAL	ACTUAL			
<u>A. REVENUES/OTHER FIN. SOURCES</u>	<u>BUDGET</u>	<u>FOR MONTH</u>	<u>FOR YEAR</u>	<u>ENCUMBRANCES</u>	<u>BALANCE</u>	<u>PERCENT</u>
1000 Local Taxes	2,228,783	141,799.75	917,708.45		1,311,074.55	41.18
2000 Local Support Nontax	1,943,000	75,155.68	139,943.74		1,803,056.26	7.20
3000 State, General Purpose	0	.00	.00		.00	0.00
4000 State, Special Purpose	0	.00	.00		.00	0.00
5000 Federal, General Purpose	0	.00	.00		.00	0.00
6000 Federal, Special Purpose	0	.00	.00		.00	0.00
7000 Revenues Fr Oth Sch Dist	0	.00	.00		.00	0.00
8000 Other Agencies and Associates	0	.00	.00		.00	0.00
9000 Other Financing Sources	0	.00	.00		.00	0.00
<u>Total REVENUES/OTHER FIN. SOURCES</u>	4,171,783	216,955.43	1,057,652.19		3,114,130.81	25.35
<u>B. EXPENDITURES</u>						
10 Sites	0	.00	.00	1,855.06	1,855.06-	0.00
20 Buildings	68,096,000	2,213,158.44	10,220,323.01	54,434,380.59	3,441,296.40	94.95
30 Equipment	2,700,000	89,048.43	1,309,970.12	2,399,496.64	1,009,466.76-	137.39
40 Energy	0	.00	.00	0.00	.00	0.00
50 Sales & Lease Expenditure	0	.00	.00	0.00	.00	0.00
60 Bond Issuance Expenditure	0	.00	.00	0.00	.00	0.00
90 Debt	1,000	.00	.00	950.00	50.00	95.00
<u>Total EXPENDITURES</u>	70,797,000	2,302,206.87	11,530,293.13	56,836,682.29	2,430,024.58	96.57
<u>C. OTHER FIN. USES TRANS. OUT (GL 536)</u>	0	.00	.00			
<u>D. OTHER FINANCING USES (GL 535)</u>	0	.00	.00			
<u>E. EXCESS OF REVENUES/OTHER FIN. SOURCES</u>						
<u>OVER(UNDER) EXP/OTH FIN USES (A-B-C-D)</u>	66,625,217-	2,085,251.44-	10,472,640.94-		56,152,576.06	84.28-
<u>F. TOTAL BEGINNING FUND BALANCE</u>	77,230,353		75,576,840.34			
<u>G. G/L 898 PRIOR YEAR ADJUSTMENTS(+OR-)</u>	XXXXXXXXXX		.00			
<u>H. TOTAL ENDING FUND BALANCE</u>	10,605,136		65,104,199.40			
<u>(E+F + OR - G)</u>						

30--Debt Service Fund-- FUND BALANCE -- AGENCY ACCOUNTS -- Revised -- BUDGET-STATUS-REPORT
Fiscal Year 2020 (September 1, 2020 - August 31, 2021)

For the FRANKLIN PIERCE SCHOOLS School District for the Month of November, 2020

	ANNUAL	ACTUAL	ACTUAL			
<u>A. REVENUES/OTHER FIN. SOURCES</u>	<u>BUDGET</u>	<u>FOR MONTH</u>	<u>FOR YEAR</u>	<u>ENCUMBRANCES</u>	<u>BALANCE</u>	<u>PERCENT</u>
1000 Local Taxes	9,479,391	687,752.15	4,460,224.49		5,019,166.51	47.05
2000 Local Support Nontax	25,000	667.18	1,633.47		23,366.53	6.53
3000 State, General Purpose	0	.00	.00		.00	0.00
5000 Federal, General Purpose	0	.00	.00		.00	0.00
9000 Other Financing Sources	0	.00	.00		.00	0.00
<u>Total REVENUES/OTHER FIN. SOURCES</u>	<u>9,504,391</u>	<u>688,419.33</u>	<u>4,461,857.96</u>		<u>5,042,533.04</u>	<u>46.95</u>
<u>B. EXPENDITURES</u>						
Matured Bond Expenditures	3,410,000	.00	.00	0.00	3,410,000.00	0.00
Interest On Bonds	6,008,352	.00	.00	0.00	6,008,352.00	0.00
Interfund Loan Interest	0	.00	.00	0.00	.00	0.00
Bond Transfer Fees	10,000	.00	600.00	0.00	9,400.00	6.00
Arbitrage Rebate	0	.00	.00	0.00	.00	0.00
Underwriter's Fees	0	.00	.00	0.00	.00	0.00
<u>Total EXPENDITURES</u>	<u>9,428,352</u>	<u>.00</u>	<u>600.00</u>	<u>0.00</u>	<u>9,427,752.00</u>	<u>0.01</u>
<u>C. OTHER FIN. USES TRANS. OUT (GL 536)</u>	<u>0</u>	<u>.00</u>	<u>.00</u>			
<u>D. OTHER FINANCING USES (GL 535)</u>	<u>0</u>	<u>.00</u>	<u>.00</u>			
<u>E. EXCESS OF REVENUES/OTHER FIN.SOURCES</u>						
<u>OVER(UNDER) EXPENDITURES (A-B-C-D)</u>	<u>76,039</u>	<u>688,419.33</u>	<u>4,461,257.96</u>		<u>4,385,218.96</u>	<u>> 1000</u>
<u>F. TOTAL BEGINNING FUND BALANCE</u>	<u>3,261,537</u>		<u>3,072,314.65</u>			
<u>G. G/L 898 PRIOR YEAR ADJUSTMENTS(+OR-)</u>	<u>XXXXXXXXX</u>		<u>.00</u>			
<u>H. TOTAL ENDING FUND BALANCE</u>	<u>3,337,576</u>		<u>7,533,572.61</u>			
<u>(E+F + OR - G)</u>						

40--Associated Student Body Fund-- FUND BALANCE -- AGENCY ACCOUNTS -- Revised -- BUDGET-STATUS-REPORT
Fiscal Year 2020 (September 1, 2020 - August 31, 2021)

For the FRANKLIN PIERCE SCHOOLS School District for the Month of November, 2020

	ANNUAL	ACTUAL	ACTUAL			
A. REVENUES	BUDGET	FOR MONTH	FOR YEAR	ENCUMBRANCES	BALANCE	PERCENT
1000 GENERAL STUDENT BODY	399,990	104.60	1,041.91		398,948.09	0.26
2000 ATHLETICS	225,700	30.00	1,819.63		223,880.37	0.81
3000 CLASSES	61,000	.00	2,829.38		58,170.62	4.64
4000 CLUBS	134,700	20.00	499.00		134,201.00	0.37
6000 PRIVATE MONEYS	25,800	1,431.00	1,634.00		24,166.00	6.33
<u>Total REVENUES</u>	847,190	1,585.60	7,823.92		839,366.08	0.92
<u>B. EXPENDITURES</u>						
1000 GENERAL STUDENT BODY	393,750	216.51	6,423.21	1,430.82	385,895.97	1.99
2000 ATHLETICS	251,000	75.00	4,184.66	1,444.18	245,371.16	2.24
3000 CLASSES	56,100	.00	.00	0.00	56,100.00	0.00
4000 CLUBS	144,525	773.76	1,425.63	0.00	143,099.37	0.99
6000 PRIVATE MONEYS	25,800	5.00	5.00	0.00	25,795.00	0.02
<u>Total EXPENDITURES</u>	871,175	1,070.27	12,038.50	2,875.00	856,261.50	1.71
<u>C. EXCESS OF REVENUES</u>						
<u>OVER (UNDER) EXPENDITURES (A-B)</u>	23,985-	515.33	4,214.58-		19,770.42	82.43-
<u>D. TOTAL BEGINNING FUND BALANCE</u>	420,055		394,485.19			
<u>E. G/L 898 PRIOR YEAR ADJUSTMENTS (+OR-)</u>	XXXXXXXXXX		.00			
<u>F. TOTAL ENDING FUND BALANCE</u>	396,070		390,270.61			
<u>C+D + OR - E</u>						

90--Transportation Vehicle Fund-- FUND BALANCE -- AGENCY ACCOUNTS -- Revised -- BUDGET-STATUS-REPORT
Fiscal Year 2020 (September 1, 2020 - August 31, 2021)

For the FRANKLIN PIERCE SCHOOLS School District for the Month of November, 2020

	ANNUAL BUDGET	ACTUAL FOR MONTH	ACTUAL FOR YEAR	ENCUMBRANCES	BALANCE	PERCENT
<u>A. REVENUES/OTHER FIN. SOURCES</u>						
1000 Local Taxes	0	.00	.00		.00	0.00
2000 Local Nontax	2,000	66.11	229.12		1,770.88	11.46
3000 State, General Purpose	0	.00	.00		.00	0.00
4000 State, Special Purpose	400,000	.00	.00		400,000.00	0.00
5000 Federal, General Purpose	0	.00	.00		.00	0.00
6000 Federal, Special Purpose	0	.00	.00		.00	0.00
8000 Other Agencies and Associates	708,126	.00	.00		708,126.00	0.00
9000 Other Financing Sources	0	.00	.00		.00	0.00
A. <u>TOTAL REV/OTHER FIN.SRCS(LESS TRANS)</u>	1,110,126	66.11	229.12		1,109,896.88	0.02
B. <u>9900 TRANSFERS IN FROM GF</u>	0	.00	.00		.00	0.00
C. <u>Total REV./OTHER FIN. SOURCES</u>	1,110,126	66.11	229.12		1,109,896.88	0.02
<u>D. EXPENDITURES</u>						
Type 30 Equipment	1,350,000	.00	.00	1,154,997.00	195,003.00	85.56
Type 60 Bond Levy Issuance	0	.00	.00	0.00	.00	0.00
Type 90 Debt	0	.00	.00	0.00	.00	0.00
<u>Total EXPENDITURES</u>	1,350,000	.00	.00	1,154,997.00	195,003.00	85.56
E. <u>OTHER FIN. USES TRANS. OUT (GL 536)</u>	0	.00	.00			
F. <u>OTHER FINANCING USES (GL 535)</u>	0	.00	.00			
G. <u>EXCESS OF REVENUES/OTHER FIN SOURCES</u> <u>OVER(UNDER) EXP/OTH FIN USES (C-D-E-F)</u>	239,874-	66.11	229.12		240,103.12	100.10-
H. <u>TOTAL BEGINNING FUND BALANCE</u>	522,359		523,290.11			
I. <u>G/L 898 PRIOR YEAR ADJUSTMENTS(+OR-)</u>	XXXXXXXXX		.00			
J. <u>TOTAL ENDING FUND BALANCE</u> <u>(G+H + OR - I)</u>	282,485		523,519.23			



Franklin Pierce Schools

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MEMORANDUM

TO: Board of Directors
FROM: James Hester, Deputy Superintendent of PK-12
DATE: January 19, 2021
SUBJECT: Policy 3120 – Enrollment

BACKGROUND INFORMATION

Board Policy 3120 – Enrollment is being updated to be consistent with HB 1191 (2019-20) Concerning School Notifications and to align with Policy and Procedure 3143 – Notification and Dissemination of Information about Juvenile Offenses and Threats of Violence.

Previous revisions were a result of a State Auditor’s Office (SAO) performance audit that examined what happened when principals and districts received notifications of student criminal offenses. During the 2020 legislative session, lawmakers responded to lingering issues identified by the SAO audit and passed HB 1191.

RECOMMENDATION

I move that the Board of Directors approve revised Board Policy 3120 – Enrollment as presented.

ACTION REQUIRED

ENROLLMENT

The superintendent or designee will develop procedures for enrolling students, recording attendance behavior, and counseling and correcting students with attendance problems. When enrolling a student who has attended school in another school district, the parent and student will be required to briefly indicate in writing whether or not the student has:

- A. Any history of placement in a special education program;
- B. Any past, current, or pending disciplinary actions;
- C. Any history of violent behavior;
- D. Adjudications or convictions described in RCW 13.04.155, which include violent offenses, sex offenses, firearm or dangerous weapon offenses, and controlled substance offenses;
- E. Any unpaid fines or fees from other schools; and
- F. Any health conditions affecting the student's educational needs.

The school enrolling the student shall request the student's permanent record—including records of disciplinary action, history of violent behavior, or behavior listed in RCW 13.04.155, attendance records, immunization records, and academic performance—from the school the student previously attended.

If a school principal receives information about adjudications or convictions described in RCW 13.04.155, then he or she will follow the procedure described in Policy 3143 – Notification and Dissemination of Information about Student Offenses and Notification of Threats of Violence or Harm.

The district may require students or their parents to provide proof of residency within the district, such as copies of phone and water bills or lease agreements. The district will not require proof of residency or any other information regarding an address for any student who is eligible by reason of age for the services of the district if the student does not have a legal residence. For students who meet the definition of homeless, the district will immediately enroll the student, including while any enrollment dispute is pending (see Policy 3115 – Students Experiencing Homelessness – Enrollment Rights and Services).

The district will not inquire into a student's citizenship or immigration status or that of his/her parents or guardians.

The district will conditionally accept applications, including electronic applications, for enrollment and course registration for a student of a military family transferred to, or is pending transfer to, a military installation within the state (see Policy 2100 – Educational Opportunities for Students with a Parent in the Military).

The request for enrollment may be made by the student, parent, or guardian.

Since accurate enrollment and attendance records are essential both to obtain state financial reimbursement and to fulfill the district's responsibilities under the attendance laws, the district will be diligent in maintaining such records.

Legal References: RCW 28A.225.215
RCW 28A.225.216
RCW 28A.225.330

Enrollment of children without legal residences
Children of military families — Residency
Enrolling students from other districts —
Requests for information and permanent
records — Withheld transcripts — Immunity
from liability — Notification to teachers and
security personnel — Rules

WAC 392-121-108
WAC 392-121-122
WAC 392-121-182
WAC 392-169-022

Definitions — Enrollment exclusions
Definitions — Full-time equivalent student
Alternative learning experience requirements
Running start student — Definition



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MEMORANDUM

TO: Board of Directors
FROM: Robin Heinrichs, Executive Director of Support Services
DATE: January 19, 2021
SUBJECT: Final Acceptance of Ford Middle School Building 300 Replacement Project

BACKGROUND INFORMATION

Board approval is required for final acceptance of the Ford Middle School Building 300 Replacement project. A final inspection has been made by Erickson McGovern Architects, our consultants, and the Franklin Pierce Schools Support Services administrators. To the best of our knowledge, the work for this project has been completed in accordance with the terms and conditions of the contract documents, including drawings and specifications dated December 4, 2017. It is recommended that the Board accept this project as complete.

RECOMMENDATION

I move that the Board of Directors accept the work performed for the Ford Middle School Building 300 Replacement project as complete in accordance with the terms and conditions of the contract documents, including drawings and specifications dated December 4, 2017.

ACTION REQUIRED



January 8, 2021

Board of Directors
Franklin Pierce School District
315 129th St. South
Tacoma, WA 98444

Re: Ford Middle School – Building 300 Replacement
Recommendation for Final Acceptance.

Board:

A final inspection has been made by our office, our consultants, the district's project manager and the Executive Director of Support Services. It has been established to the best of our knowledge that the work for the Ford Middle School – Building 300 Replacement project has been completed in accordance with the terms and conditions of the Contract Documents: drawings and specifications dated December 4, 2017. We recommend the acceptance of the Project by the Franklin Pierce School District.

Sincerely,

Erickson McGovern, P.L.L.C.

A handwritten signature in blue ink, appearing to read 'Ray Mow'.

Raymond Mow, A.I.A.
Principal

Cc: Robin Heinrich, Executive Director Support Services



Franklin Pierce Schools

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MEMORANDUM

TO: Board of Directors
FROM: Robin Heinrichs, Executive Director of Support Services
DATE: January 19, 2021
SUBJECT: Final Acceptance of Washington High School STEM Project

BACKGROUND INFORMATION

Board approval is required for final acceptance of the Washington High School STEM project. A final inspection has been made by Erickson McGovern Architects, our consultants, and the Franklin Pierce Schools Support Services administrators. To the best of our knowledge, the work for this project has been completed in accordance with the terms and conditions of the contract documents, including drawings and specifications dated March 7, 2018. It is recommended that the Board accept this project as complete.

RECOMMENDATION

I move that the Board of Directors accept the work performed for the Washington High School STEM project as complete in accordance with the terms and conditions of the contract documents, including drawings and specifications dated March 7, 2018.

ACTION REQUIRED



January 8, 2021

Board of Directors
Franklin Pierce School District
315 129th St. South
Tacoma, WA 98444

Re: Washington High School STEM
Recommendation for Final Acceptance.

Board:

A final inspection has been made by our office, our consultants, the district's project manager and the Executive Director of Support Services. It has been established to the best of our knowledge that the work for the Washington High School STEM project has been completed in accordance with the terms and conditions of the Contract Documents: drawings and specifications dated March 7, 2018. We recommend the acceptance of the Project by the Franklin Pierce School District.

Sincerely,

Erickson McGovern, P.L.L.C.

A handwritten signature in blue ink, appearing to read 'Ray Mow'.

Raymond Mow, A.I.A.
Principal

Cc: Robin Heinrich, Executive Director Support Services



Franklin Pierce Schools

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MEMORANDUM

TO: Board of Directors
FROM: Liza Klumpar, Chief Technology Officer
DATE: January 19, 2021
SUBJECT: Information Technology Surplus Approval

BACKGROUND INFORMATION

The Information Technology Department requests approval to surplus the items listed below which are no longer in use or no longer in useable condition and have been determined to have little or no value to the Franklin Pierce School District. Surplus of technology items is routine and necessary to allow for acquisition of new technology.

RECOMMENDATION

I move that the Board of Directors approve the surplus of listed items.

ACTION REQUIRED

Item	Make	Model	Quantity
Cell Phone	Apple	iPhone 6	1
Cell Phone	Apple	iPhone 7	1
Clock	Telecore	DCLK	3
Desktop	Dell	OptiPlex 330	1
Desktop	Dell	OptiPlex 360	2
Desktop	Dell	OptiPlex 380	8
Desktop	Dell	OptiPlex 390	7
Desktop	Dell	OptiPlex 755	1
Desktop	Dell	OptiPlex 780	10
Desktop	Dell	OptiPlex 790	1
Desktop	Lenovo	M90z AIO	2
Dock	Lenovo	ThinkPad Onelink Pro	17
Document Camera	HoverCam	Solo 8	3
Document Camera	Elmo	TT-02s	1
IP Phone	Cisco	CP-6945	2
Laptop	Dell	Latitude E6400	1
Laptop	Dell	Vostro 3400	1
Laptop	Lenovo	E531	1
Laptop	Lenovo	E550	2
Laptop	Lenovo	T430	1
Laptop	Lenovo	Yoga S1	1
Laptop Charger	Lenovo	45 Round	7
Laptop Charger	Lenovo	45W USB-C	2
Laptop Wall Cabinet	Triplite		2

Item	Make	Model	Quantity
Monitor	Acer	AL1717A	1
Monitor	Dell	20029WT	2
Monitor	Dell	E171FP	13
Monitor	Dell	E198FPT	2
Monitor	Dell	E2311HF	2
Monitor	Dell	P170ST	1
Monitor	Dell	P2214HB	1
Monitor	Dell	E170SC	1
Monitor	Dell	PD156VNB	1
Printer	HP	2100TN	1
Printer	HP	Color LaserJet CP1518ni	1
Printer	HP	Color LaserJet Pro M452dn	1
Printer	HP	LaserJet 4050N	1
Printer	HP	LaserJet 4300tn	1
Printer	HP	LaserJet P2055dn	2
Projector	Epson	PowerLite 83c	1
Switch	HP	V1910-24G-PoE	1
Tablet	Apple	iPad 2 WiFi	2



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MEMORANDUM

TO: Board of Directors
FROM: Tammy Bigelow, Director of Business
DATE: Services January 19, 2021
SUBJECT: Policy 1732 – Board Member Insurance

BACKGROUND INFORMATION

Board Policy 1732 – Board Member Insurance is being presented with changes that align with the School Employee Benefits Board (SEBB) program. SEBB administers health insurance and other benefits for employees of Washington's school districts.

RECOMMENDATION

None.

ACTION REQUIRED

None. This policy is being presented for first reading.

BOARD MEMBER INSURANCE

The district shall maintain sufficient insurance to protect the Board and its individual members against liability arising from actions of the Board or its individual members while each is acting on behalf of the district and within his/her authority as a Board member.

An individual Board member may participate at his/her own cost ~~in any of the personal liability, life, health, health care, accident, disability, salary protection, or other~~ in any form of insurance made available to district staff if plan sponsors permit such participation.

Legal References:	RCW 4.24.470	Liability of officials and members of governing body of public agency — Definitions
	RCW 4.96.010	Tortious conduct of political subdivision — Liability for damage
	RCW 28A.400.350	Liability, life, health, health care, accident, disability and salary insurance authorized — Premiums
	RCW 28A.400.360	Liability insurance for officials and employees or agents of school districts and educational service districts — Defense, costs, fees — Payment of obligation
	RCW 28A.320.060	Officers, employees or agents of school districts or educational service districts, insurance to protect and hold personally harmless

Adoption Date: 5/13/08
Franklin Pierce Schools
Revised: 2/09/21
Classification: Optional



Franklin Pierce Schools

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MEMORANDUM

TO: Board of Directors
FROM: James Hester, Deputy Superintendent of PK-12
DATE: January 19, 2021
SUBJECT: Policy 3143 – Notification and Dissemination of Information about Student Offenses and Notification of Threats of Violence or Harm

BACKGROUND INFORMATION

Board Policy 3143 – Notification and Dissemination of Information about Student Offenses and Notification of Threats of Violence or Harm, previously titled District Notification of Juvenile Offenders, is being updated to be consistent with HB 1191 (2019-20) Concerning School Notifications and includes guidance previously provided in Policy 4314 – Notification of Threats of Violence or Harm. Policy 4314 and Procedure 4314P will be retired with the adoption of revised Policy 3143.

Previous revisions to Policy 3143 were a result of a State Auditor's Office (SAO) performance audit that examined what happened when principals and districts received notifications of student criminal offenses. During the 2020 legislative session, lawmakers responded to lingering issues identified by the SAO audit and passed HB 1191.

RECOMMENDATION

None.

ACTION REQUIRED

None. This policy is being presented for first reading.

NOTIFICATION AND DISSEMINATION OF INFORMATION ABOUT STUDENT OFFENSES AND NOTIFICATION OF THREATS OF VIOLENCE OR HARM

The Franklin Pierce School District is committed to providing a safe and secure environment for all its students and staff. All students, including those who have committed or been adjudicated for offenses, have constitutional rights to public education.

A. Notification of Student Offenses from County Sheriff's Office, Courts, Department of Social and Health Services, Department of Corrections, and Other School Districts

The district receives notices and information about student offenders from several statutorily authorized sources, including the county sheriff's office, the courts, the Department of Social and Health Services, the Department of Corrections, and other school districts where the student previously enrolled. The district will take appropriate precautionary measures when it receives notices and information of student offenses from any of these sources. Student discipline, if any, will be consistent with 3241 – Student Discipline.

The superintendent, or his or her designee, and school principals play an important role in determining and implementing appropriate precautionary measures relating to notices and information about student offenses. If the superintendent, a designee of the superintendent, or a principal of a school receives student offense information under RCW 28A.225.330 (notifications from other school districts), 9A.44.138 (sheriff notifications to school districts), 13.04.155 (court notifications to school districts), 13.40.215 (Department of Children, Youth, and Families notifications to school districts), or 72.09.730 (Department of Corrections notifications to school districts), the following notification provisions will be followed.

1. Sex Offenses and Registered Sex or Kidnapping Offenders

- a. Superintendent or Designee.** Upon receipt of information about sex offenses as defined in RCW 9.94A.030 or upon receipt of information about registered sex or kidnapping offenders pursuant to RCW 9A.44.138, the superintendent or his or her designee will provide the information to the principal of the school where the student is enrolled or will enroll—or, if not known, where the student was most recently enrolled.
- b. Principals.** When the principal receives the information described above, he or she must then disclose the information as follows.

If the student is classified as a risk level II or III, the principal shall provide the information received to every teacher of the student and to any other personnel who, in the judgment of the principal, supervises the student or for security purposes should be aware of the student's record.

If the student is classified as a risk level I, the principal shall provide the information received only to personnel who, in the judgment of the principal, for security purposes should be aware of the student's record.

- c. Convicted Juvenile Sex Offenders Attendance at Victim's School.** Convicted juvenile sex offenders are prohibited from attending the elementary, middle, or high school attended by their victim or their victim's siblings. The parents or legal guardians of the convicted juvenile sex offender shall be responsible for providing transportation or covering other costs associated with or required by the sex offender's change in school.

The Department of Social and Health Services (DSHS) Sex Offender School Attendance Program assists with ensuring that juvenile sex offenders, committed to Juvenile Rehabilitation Administration (JRA), do not enroll in the same school as their victim or their victim's siblings. If there is a conflict in schools, DSHS program staff will work with JRA to have the offender moved to another school.

- d. Collaboration.** The principal or designee will consult and collaborate with Department of Corrections, juvenile justice staff, treatment providers, victim support groups, and families, as applicable, when working with students required to register as a sex or kidnapping offender.
- e. Inquiries by the Public.** Law enforcement agencies receive relevant information about the release of sex and kidnapping offenders into communities and decide when such information needs to be released to the public. Therefore, district and school staff will refer all inquiries by the public at large (including parents and students) regarding students required to register as a sex or kidnapping offender directly to law enforcement.

2. Violent Offenses, Firearms and Dangerous Weapons Crimes, Unlawful Possession or Delivery of Controlled Substances, or School Disciplinary Actions

- a. Superintendent or Designee.** Upon receipt of information about a violent offense as defined in RCW 9.94A.030, any crime under Chapter 9.41 RCW, unlawful possession or delivery, or both, of a controlled substance in violation of Chapter 69.50 RCW, or a school disciplinary action, the superintendent or designee will provide the information to the principal of the school where the student is enrolled or will be enrolled—or, if not known, where the student was most recently enrolled.
- b. Principals.** When the principal, receives the information described above, he or she, has discretion to share the information with a district staff member if, in the principal's judgment, the information is necessary for:
- The staff member to supervise the student;
 - The staff member to provide or refer the student to therapeutic or behavioral health services; or
 - Security purposes.

School principals and staff should use care not to allow a student's demographic or personal characteristics to bias the decision of whether to share information received.

Upon receipt of information about an adjudication in juvenile court for an unlawful possession of a controlled substance in violation of Chapter 69.50 RCW, the principal must notify the student and the parent or legal guardian at least five days before sharing the information with a district staff member.

If either the student or the student's parent or legal guardian objects to the proposed sharing of the information, the student, the student's parent or legal guardian, or both, may, within five business days of receiving notice from the principal, appeal the decision to share the information with staff to the superintendent of the district in accordance with procedures developed by the district.

The superintendent shall have five business days after receiving an appeal under the above to make a written determination on the matter. Determinations by the superintendent under this subsection are final and not subject to further appeal.

A principal may not share adjudication information under this subsection with a district staff member while an appeal is pending.

3. Public Records Act

Any information received by district staff under this section is exempt from disclosure under the Public Records Act (Chapter 42.56 RCW) and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the Family and Educational and Privacy Rights Act of 1994 (20 U.S.C. Sec. 1232g et seq.).

4. Assignment of Student Offenders to Certain Classrooms

A student committing an offense under Chapter 9A.36 (assault), 9A.40 (kidnapping, unlawful imprisonment, custodial interference, luring, trafficking, and coercion of involuntary servitude), 9A.46 (harassment), or 9A.48 RCW (arson, reckless burning, and malicious mischief) 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 Chapter 9A.36 (assault), 9A.40 (kidnapping, unlawful imprisonment, custodial interference, luring, trafficking, and coercion of involuntary servitude), 9A.46 (harassment), or 9A.48 RCW (arson, reckless burning, and malicious mischief), 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.

B. Notification of Threats of Violence or Harm

Students and school employees who are subjects of threats of violence or harm will be notified of the threats in a timely manner. “Threats of violence or harm” means direct or indirect communications by any means of the intent to inflict physical harm upon a specific individual or individuals or that place a person in fear of the imminent likelihood of serious harm.

The district will assess and address potential threats of violence or harm in a manner consistent with Policy and Procedure 3225 – School-Based Threat Assessment, other safety policies, and comprehensive safe school plans. In instances where the threat is deemed moderate risk or high risk, or requires further intervention to prevent violence or serious harm, the school administrator shall notify the parent and/or guardian of any student who is the target/recipient of a threat as well as the parent and/or guardian of any student who made the threat. The district will ensure that the notice is in a language the parent and/or guardian understands, which may require language assistance for parents or guardians with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

If there is a specific and significant threat to the health or safety of a student or other individuals, the district may disclose information from education records to appropriate parties whose knowledge of the information is necessary. Timing and details of the notice will be as extensive as permitted by the federal Family Educational Rights and Privacy Act, other legal limitations, and the circumstances.

The district may use information about a threat of harm or violence in connection with student discipline consistent with Policy and Procedure 3241 – Student Discipline.

The district, board, school officials, and school employees providing notice in good faith as required and consistent with the board’s policies are immune from any liability arising out of such notification. A person who intentionally and in bad faith or maliciously, knowingly makes a false notification of a threat under this section is guilty of a misdemeanor punishable under RCW 9A.20.021.

C. Immunity

Any school district or district employee who releases the information in compliance with federal and state law is immune from civil liability for damages unless it is shown that the school district or district employee acted with gross negligence or in bad faith.

Legal References: RCW 13.04.155

RCW 13.40.215

Notification to school principal of conviction, adjudication, or diversion agreement — Provision of information to teachers and other personnel — Confidentiality
Juveniles found to have committed violent or sex offense or stalking — Notification of discharge, parole, leave, release, transfer, or

	escape — To whom given — School attendance — Definitions
RCW 28A.600.460	Classroom discipline — Policies — Classroom placement of student offenders — Data on disciplinary actions
RCW 4.24.550	Sex offenders and kidnapping offenders — Release of information to public — Web site
RCW 9A.44.130	Registration of sex offenders and kidnapping offenders — Procedures — Definition — Penalties
RCW 28A.225.330	Enrolling students from other districts — Requests for information and permanent records — Withheld transcripts — Immunity from liability — Notification to teachers and security personnel — Rules
RCW 28A.225.330	Enrolling students from other districts — Requests for information and permanent records — Withheld transcripts — Immunity from liability — Notification to teachers and security personnel — Rules
RCW 28A.225.330	Enrolling students from other districts — Requests for information and permanent records — Withheld transcripts — Immunity from liability — Notification to teachers and security personnel — Rules
RCW 28A.320.128	Notice and disclosure policies — Threats of violence — Student conduct — Immunity for good faith notice — Penalty
RCW 28A.320; 2020 c 167 § 1	Notification provisions
RCW 72.09.345	Sex offenders — Release of information to protect public — End-of-sentence review committee — Assessment — Records access — Review, classification, referral of offenders — Issuance of narrative notices
WAC 392-400	Student Discipline
20 U.S.C. 1232g; 34 C.F.R. Part 99	Family Educational Rights and Privacy Act Article IX, Section 1, Washington State Constitution

DISTRICT NOTIFICATION OF JUVENILE OFFENDERS

A court will notify the principal of a school in which a student is enrolled if the student has been convicted of, adjudicated for, or entered into a diversion agreement for any of the following offenses: a violent offense, a sex offense, a firearms offense, inhaling toxic fumes, a drug offense, a liquor offense, assault, kidnapping, harassment, stalking, or arson. If the district receives this information instead of the principal, the district will provide it to the building principal.

The Department of Social and Health Services (DSHS) will notify the superintendent in writing at least thirty days before a juvenile convicted of a violent offense, a sex offense, or stalking is discharged, paroled, given authorized leave, or otherwise released to reside in the district. The district will ensure that this written information is provided to the pertinent building principal. The DSHS Sex Offender School Attendance Program assists with ensuring that juvenile sex offenders, committed to Juvenile Rehabilitation Administration (JRA), do not enroll in the same school as their victim or their victims' siblings. If there is a conflict in schools, DSHS program staff will work with JRA to have the offender moved to another school or school district.

A community residential facility to which an adjudicated juvenile is transferred will provide written notice of the offender's criminal history to the district if the juvenile is attending school in the district while residing at the community residential facility. The district will ensure that such written notice is provided to the pertinent building principal.

When the principal receives notification of juvenile offenders as described above, he or she must provide the information received about the student to every teacher of the student and to any other personnel who, in the judgement of the principal, supervises the student or for security purposes should be aware of the student's record. The information that the principal must provide is based on any written records that the principal maintains or receives from a juvenile court administrator or a law enforcement agency regarding the student.

Any information received by a principal or school personnel under this policy is confidential and may not be further disseminated except as allowed by the statute for transfer of records (RCW 28A.225.330), other statutes and case law, or the Family and Educational and Privacy Rights Act, 20 U.S.C. Sec. 1232g et seq.

If a student convicted of, adjudicated for, or has entered into a diversion agreement for an assault, kidnapping, harassment, stalking, or arson against a teacher, then that student will never be assigned to that teacher's classroom. Additionally, if a student is convicted of, adjudicated for, or has entered into a diversion agreement for assault, kidnapping, harassment, stalking, or arson against another student, the offending student will never be assigned to the same class as the other student.

Convicted juvenile sex offenders will not attend a school attended by their victims or a victims' siblings. Offenders and their parents or guardians will be responsible for providing transportation or covering other costs related to the offender's attendance at another school.

Legal References: RCW 13.04.155

Notification to school principal of conviction, adjudication, or diversion agreement-provision of information to teachers and other personnel — Confidentiality

RCW 13.40.215

Juveniles found to have committed violent or sex offense or stalking — Notification of discharge, parole, leave release, transfer, or escape — To whom given — Definitions

RCW 28A.600.460

Classroom discipline--policies--classroom placement of student offenders — data on disciplinary actions

CURRENT

NOTIFICATION OF THREATS OF VIOLENCE OR HARM

Students and school employees who are subjects of threats of violence or harm will be notified of the threats in a timely manner. Parents will be included in notifications to students who are subjects of threats of violence or harm. If there is a specific and significant threat to the health or safety of a student or other individuals, the district may disclose information from education records to appropriate parties whose knowledge of the information is necessary. Timing and details of the notice will be as extensive as permitted by the federal Family Educational Rights and Privacy Act (FERPA), other legal limitations, and the circumstances.

“Threats of violence or harm” means direct or indirect communications by any means of the intent to inflict physical harm upon a specific individual or individuals or that place a person in fear of the imminent likelihood of serious harm.

The district will assess and address potential threats of violence or harm in a manner consistent with the district’s threat assessment policy, other safety policies, and comprehensive safe school plans.

If the district determines a person poses a threat of violence or harm to students, employees, or others, the district may administer relevant district discipline policies and procedures and may refer to appropriate community agencies including law enforcement and mental health services. District staff will work with in-district and community-based professionals and services in all relevant areas of expertise to address threats of violence or harm, those threatened, and those making the threats. Necessary information about the person making the threat will be communicated by the principal to teachers and staff, including security personnel.

State law provides the district, school district directors, and district staff with immunity from liability for providing notice of threats in good faith. Persons who make a knowingly false notification of a threat are subject to appropriate district discipline policies and may be referred for prosecution.

The superintendent is directed to develop and implement procedures consistent with this policy.

Legal References:	34 C.F.R. Part 99	FERPA Regulations
	20 U.S.C. § 1232g	Family Educational Rights and Privacy Act
	WAC 392-400	Pupils
	RCW 28A.320.128	Notice and disclosure policies — Threats of violence — Student conduct — Immunity for good faith notice — Penalty

Adoption Date: 5/13/03
Franklin Pierce Schools
Revised: 10/14/08; 08/18/20
Classification: Essential



Franklin Pierce Schools

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MEMORANDUM

TO: Board of Directors
FROM: James Hester, Deputy Superintendent of PK-12
DATE: January 19, 2021
SUBJECT: Policy 3205 – Sexual Harassment of Students Prohibited

BACKGROUND INFORMATION

Board Policy 3205 – Sexual Harassment of Students Prohibited is being updated to be consistent with new Title IX regulations governing sexual harassment. These regulations represent a significant federal shift governing K–12 public schools’ response to allegations of sexual harassment. As a result of the final regulations, we see few changes to the policy, but substantial changes to the corresponding procedure.

Revisions also include language that prohibits providing an employment recommendation for a current or former employee who engaged in sexual misconduct with a student, both in the context of a formal disciplinary discharge and in the context where there was no formal action, but staff members had probable cause to believe that sexual misconduct occurred.

RECOMMENDATION

None.

ACTION REQUIRED

None. This policy is being presented for first reading.

SEXUAL HARASSMENT OF STUDENTS PROHIBITED

This district is committed to a positive and productive ~~educational environment~~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 ~~to adult, adult, student~~ to student, ~~student to student~~, or can be carried out by a group of students or adults. Sexual harassment 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.

~~Under federal and state law, the~~

The term “sexual harassment” ~~includes~~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; ~~and~~
- 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. AIn 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 ~~every time a report, complaint, 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 timelines 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's 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, ~~posted online~~, 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

~~As needed, the compliance officer will convene an ad hoc committee to review the policy and procedure and recommend any necessary changes to the superintendent and School Board. 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.~~

Legal References: [20 U.S.C. § 1681-1688](#)

~~WAC 392-190-057 — Sexual harassment policy — Required criteria
WAC 392-190-058 — Sexual harassment policy — Notification~~

RCW 28A.640.020 Regulations, guidelines to eliminate discrimination — Scope — Sexual harassment policies

[34 C.F.R. § 106](#)

Adoption Date: 1/19/16
Franklin Pierce Schools
Revised: **02/09/21**
Classification: Priority



Franklin Pierce Schools

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MEMORANDUM

TO: Board of Directors
FROM: Tammy Bigelow, Director of Business Services
DATE: January 19, 2021
SUBJECT: Policy 3510 – Associated Student Bodies

BACKGROUND INFORMATION

WSSDA has revised Policy 3510 – Associated Student Bodies to address RCW 28A.325.010's authority to charge fees for optional noncredit extracurricular events, typically through an Associated Student Body (ASB) membership. The policy revisions also address that districts may waive or reduce ASB fees.

RECOMMENDATION

None.

ACTION REQUIRED

None. This policy is being presented for first reading.

ASSOCIATED STUDENT BODIES

An associated student body (ASB) ~~shall~~will be formed in each school within the district whenever one or more students in that school engage in money-raising activities with the approval and at the direction or under the supervision of the district. ~~An associated student body shall~~

An ASB will be a formal organization of students, including sub-components or affiliated student groups. Each ~~associated student body shall~~ASB will submit a constitution and bylaws to the Board for approval. The constitution and bylaws ~~shall~~will identify how student activities become approved as student body activities and establish standards for their supervision, governance, and financing. Subject to such approval process, any lawful activity ~~which that~~ promotes the educational, recreational, or cultural growth of students as an optional extracurricular or co-curricular activity may be considered for recognition as an ~~associated student body~~ASB activity. Any lawful ~~fund-raising~~fundraising practices that are consistent with the goals of the district and ~~which that~~ do not bring disrespect to the district or its students may be acceptable methods and means for raising funds for student body activities. The Board of Directors may act or delegate the authority to a staff member to act as the ~~associated student body~~ASB for any school ~~which that~~ contains no grade higher than grade six.

The school principal ~~shall~~will designate a staff member as the primary advisor to the ASB and assure that all groups affiliated with the ASB have an advisor assigned to assist them. Advisors ~~shall~~will have the authority and responsibility to intervene in any activities that are inconsistent with district policy, ASB standards, student safety, or ordinarily accepted standards of behavior in the community. When in doubt, advisors ~~shall~~will consult with the school principal regarding the propriety of proposed student activities. Student activities cannot include support or opposition to any political candidate or ballot measure.

Each ASB ~~shall~~will prepare and submit annually a budget for the support of the ASB program to the Board for approval. All property and money acquired by ASBs, except private nonassociated student body funds, ~~shall~~will be district funds and ~~shall~~will be deposited and disbursed from the ~~district's associated student body~~district's ASB program fund.

Money acquired by ~~associated student body~~ASB groups through ~~fund-raising~~fundraising and donations for scholarships, student exchanges, and charitable purposes ~~shall~~will be private ~~non-associated~~nonassociated student body fund moneys.

Solicitation of funds for ~~non-associated~~nonassociated student body fund purposes must be voluntary and must be accompanied by notice of the intended use of the proceeds and the fact that the district will hold the funds in trust for their intended purpose. Nonassociated student body fund moneys ~~shall~~will be disbursed as determined by the group raising the money. Private ~~non-associated~~nonassociated student body funds ~~shall~~will be held in trust by the district for the purposes indicated during the ~~fund-raising~~fundraising activities until the student group doing the ~~fund-raising~~fundraising requests disbursement of the funds and the accounts of the fundraising are complete and reconciled.

The board may establish and collect a fee from students and nonstudents as a condition to their attendance at, or participation in, any optional noncredit extracurricular district event of a cultural, social, recreational, or athletic nature. If the board establishes such a fee or fees, the superintendent or designee will establish a procedure for waiving fees for students who are eligible to participate in the federal free or reduced-price meals program and for reducing fees for students' family members and other nonstudents sixty-five or older who, by reason of their low income, would have difficulty in paying the entire amount of such fees. Fees collected pursuant to this paragraph shall be deposited in the ASB program fund of the district.

Legal References:	<u>RCW 28A.325.010</u>	<u>Fees for optional noncredit extracurricular events—Disposition</u>
	RCW 28A.325.020	Associated student bodies — Powers and responsibilities affecting
	RCW 28A.325.030	Associated student body program fund — Created — Source of funds — Expenditures — Budgeting — Care of other <u>Fundraising activities — Nonassociated student body program fund moneys received by students for private purposes</u>
	<u>RCW 28A.325.050</u>	<u>Associated student body program fund — Publication of information on school district web site</u>
	Chapter 392-138 WAC	Finance — Associated student body moneys

Adoption Date: 11/13/84
Franklin Pierce Schools
Revised: 1/22/02; 11/18/08; 02/09/21
Classification: Essential



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MEMORANDUM

TO: Board of Directors
FROM: James Hester, Deputy Superintendent of PK-12
DATE: January 19, 2021
SUBJECT: Procedure 3143P – Notification and Dissemination of Information about Student Offenses and Notification of Threats of Violence or Harm

BACKGROUND INFORMATION

Board Procedure 3143P – Notification and Dissemination of Information about Student Offenses and Notification of Threats of Violence or Harm is a new procedure that outlines the actions and responsibilities of the district and school upon receipt of information about student offenses or notification of threats of violence or harm. The procedure is consistent with HB 1191 (2019-20) Concerning School Notifications and includes guidance previously in Procedure 4314P – Notification of Threats of Violence or Harm. Policy 4314 and Procedure 4314P will be retired with the adoption of revised Policy 3143.

RECOMMENDATION

None.

ACTION REQUIRED

None. This is an information item only.

NOTIFICATION AND DISSEMINATION OF INFORMATION ABOUT STUDENT OFFENSES AND NOTIFICATION OF THREATS OF VIOLENCE OR HARM

A. Registered Student Sex or Kidnapping Offenders

1. Principals

Principals have statutory disclosure obligations upon receipt of information about registered student sex or kidnapping offenders described in Policy 3143. In addition to their responsibilities described in Policy 3143, principals have a responsibility to develop a protocol for safety planning for registered student sex or kidnapping offenders, which will include student meetings, designing and monitoring student safety plans, and implementing safeguards when students change schools or change sex offender levels or status with parole or probation.

2. Safety Planning

The principal will complete safety planning for registered student sex or kidnapping offenders with school staff, law enforcement, probation or parole, treatment providers, parents or guardians, care providers, and child advocates, as appropriate, in order to provide a safe school environment for all students and staff. For safety planning to be effective, the district will finalize formal enrollments for students required to register as a sex or kidnapping offender promptly after their enrollment request.

3. Student Meetings

The principal or designee, working together with probation and parole professionals, will meet promptly with the registered student sex or kidnapping offenders to create and implement a student safety plan. The principal or designee will determine other appropriate school personnel to be included in the meeting to assist in defining school expectations. The student's parent or guardian or care provider may also be invited. The purpose for the meeting is to help the student be successful in his or her transition back to school and to provide a safe school environment for all students and staff.

4. Student Safety Plan

The principal or designee (and other school staff as applicable) in consultation with probation and parole professionals (if under court supervision) will create a student safety plan for each registered student sex or kidnapping offender. The plan will outline the responsibilities of the student and other stakeholders to promote those activities deemed essential in safely managing the student's behavior.

- a. The Student Safety Plan will outline conditions and limitations on each student required to register as a sex or kidnapping offender concerning their interactions on the school campus;
- b. For students not under court supervision, the Student Safety Plan should be developed in conjunction with school staff in consultation with the student's family or guardian or care provider;

- c. The Student Safety Plan will be based on the student's needs and include guidelines for expected intervention actions for high-risk behaviors and reinforce positive behaviors;
- d. Each Student Safety Plan will be reviewed as necessary by staff designated by the principal.

5. Monitoring the Safety Plan

The Student Safety Plan for registered student sex or kidnapping offenders will be monitored and changes made on an "as-needed" basis by school staff.

- a. School authorities should be prepared to take appropriate actions (especially if they notice an increase or escalation of a student's high-risk behaviors) for the short and long-term safety of the student required to register as a sex or kidnapping offender and all other students;
- b. School staff will report to the principal or designee and to law enforcement or other involved agencies (treatment providers, parole/probation) if they determine the student has not followed the Student Safety Plan.
- c. Follow-through on the Student Safety Plan will be consistent with existing disciplinary policies and procedures, student conduct policies, and mandatory reporting policies.

Schools may develop school threat assessment teams and make referrals to those teams when students engage in inappropriate behaviors as defined in the Student Safety Plan.

6. When Students Move or Change Status

When a registered student sex or kidnapping offender changes schools, whether within or outside of the district, the current principal will notify the new principal and share the student records and safety plans with the new school. If the student's sex or kidnapping offender status or probation or parole status changes, the principal will notify the school staff as part of the school's safety planning.

B. Adjudication in Juvenile Court for an Unlawful Possession of a Controlled Substance

At least five days before a principal uses his or her discretion to share with a school or district staff member information about a student's adjudication in juvenile court for an unlawful possession of a controlled substance in violation of Chapter 69.50 RCW, the principal must first notify the student and the parent or legal guardian of the right to appeal the principal's determination to the superintendent.

The principal's notification may occur orally or in writing but must be in a language the parent and/or guardian understands, which may require language assistance for parents or guardians with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

The principal will either verbally explain any process for how to appeal the principal's determination or provide the student and parent/legal guardian with a copy of any written procedures developed by the district.

Within five business days of receiving notice from the principal, if either the student or the student's parent or legal guardian objects to the proposed sharing of the information, including objecting verbally or objecting in a writing, the principal will not share the student's adjudication information with a school or district staff member until the superintendent determines the appeal.

The superintendent shall have five business days after receiving the appeal to make a written determination on the matter. Determinations by the superintendent under this subsection are final and not subject to further appeal.

C. Notification of Threats of Violence or Harm

The district has a school-based threat assessment program and investigates reports of possible threats of violence or harm consistent with Policy and Procedure 3225 – School-Based Threat Assessment.

Under the Family Educational Rights and Privacy Act (FERPA), the district may release student records only with permission from the parent or the adult student (a student who is 18 years of age or older) or in a health or safety emergency, as defined by FERPA. For that reason, the district may disclose the identity of students who have made threats of violence or harm only as allowed by law.

The district will provide relevant information about the threat to the subject of the threat and advise the subject of the threat if law enforcement has been involved in the matter.

Suspension or other removal from the school environment can create the risk of triggering either an immediate or a delayed violent response unless such actions are coupled with containment and support. When considering the appropriate response to a student's threat of violence or harm, the student's individual circumstances will be considered.

Any student discipline for making threats of violence or harm must be consistent with Policy and Procedure 3241 – Student Discipline. Discipline of students eligible for special education services or with disabilities will be consistent with Policy and Procedure 2161 – Special Education and Related Services for Eligible Students and Policy and Procedure 2162 – Education of Students with Disabilities Under Section 504 of the Rehabilitation Act of 1973.

Date: 5/13/03

Revised: 7/27/04; 9/09/08; 8/18/20; 2/09/21

NOTIFICATION OF THREATS OF VIOLENCE OR HARM

Staff, students, volunteers, and others involved in school activities have the responsibility to report any threats of violence or harm to designated school officials. Based on the significance and credibility of the threat, it may be reported to law enforcement. Staff will involve in-district, multi-disciplinary professionals in evaluating the threat and the needs of the person making the threat. Consultation with or referrals to community-based professionals and services are encouraged where appropriate.

Under the Family Educational Rights and Privacy Act (FERPA), the district may release student records only with permission from the parent or the adult student (a student who is over the age of 18), unless it is a health or safety emergency. For that reason, the district will identify students who have made threats of violence or harm when notifying the subjects of the threats under the following conditions:

- A. The parent or adult student has given permission to disclose the student's identity or other information to the subject of the student's threat;
- B. The identity of the student and the details of the threat are being disclosed to relevant district staff who have been determined to have legitimate educational interest in the information;
- C. The identity of the student or the details of the threat are being released because the release of the information is necessary to protect the health or safety of the student or other individuals. In making this determination, school officials will use their best judgment and may take into account the "totality of the circumstances" pertaining to the safety or health of a student or other individuals; or
- D. The district is responding to a court order or subpoena. The district must make a reasonable effort to notify the parents of the student or adult student of the subpoena in advance of complying so that the family can seek protective action, unless the court order or subpoena expressly forbids such notification.

Relevant information about the threat will be provided to the subject of the threat, and the subject will be advised that if law enforcement has been involved in the matter, the law enforcement agency may have more information that can be shared with the subject.

To promote the safety of all concerned, the principal will consider all available information when determining the extent of information to be shared. Subject to the confidentiality provisions cited above, principals will determine if classroom teachers, school staff, school security, and others working with the student(s) involved in the threat circumstance should be notified. Principals must provide information received about a student's conviction, adjudication, or diversion agreement to every teacher of the student for the offenses listed in Model Policy 3143- District Notification of Juvenile Offenders.

Suspension or other removal from the school environment can create the risk of triggering either an immediate or a delayed violent response unless such actions are coupled with containment and support. When considering the appropriate response to a student's threat of violence or harm, the student's individual circumstances will be taken into account. Emergency expulsion may be considered if the district has 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.

Discipline of students for making threats of violence or harm will be consistent with district policy and procedure regarding student discipline (see Policy 3241 – Student Discipline) and state laws and regulations. Discipline of students eligible for special education services or with disabilities will be consistent with district policy and procedures (see Policy 2161 – Special Education and Related Services for Eligible Students and Policy 2162 – Education of Students with Disabilities Under Section 504 of the Rehabilitation Act of 1973) and the associated legal requirements.

Discipline of district staff for making threats of violence or harm will be consistent with district policy and procedure regarding staff discipline (see Policy 5281 – Disciplinary Action and Discharge) and any relevant collective bargaining requirements.

Current



Franklin Pierce Schools

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MEMORANDUM

TO: Board of Directors
FROM: James Hester, Deputy Superintendent of PK-12
DATE: January 19, 2021
SUBJECT: Procedure 3205P – Sexual Harassment of Students Prohibited

BACKGROUND INFORMATION

Board Procedure 3205P – Sexual Harassment of Students Prohibited is being updated to be consistent with new Title IX regulations governing sexual harassment. These regulations represent a significant federal shift governing K–12 public schools’ response to allegations of sexual harassment. While there were many changes, some of the more significant changes include that the federal regulations narrow the definition of sexual harassment, establish a lower standard for when a district must respond, and add more components to the process of responding.

RECOMMENDATION

None.

ACTION REQUIRED

None. This is an information item only.

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, ~~posted online, and~~ 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 Franklin Pierce Schools, 315 129th St S, Tacoma, WA 98444.

Staff Responsibilities

~~In~~

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: 1) the Title IX/Civil Rights Compliance Coordinator so that the district can appropriately respond to the incident consistent with its own grievance procedures; and 2) law enforcement 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 assistant superintendent for evaluation.
- The assistant superintendent should inform the complainant that honoring the request may limit ~~the district's~~ 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 ~~prohibits~~ 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, against the person who was the subject of the harassment, or against those who provided information as witnesses a witness. The district will investigate all allegations of retaliation and take actions against those found to have retaliated.

Informal Complaint Process

~~Anyone may use informal procedures to report and resolve complaints of sexual harassment. Informal reports may be made to any staff member. Staff will always notify complainants of their right to file a formal complaint and the process for same. Staff will also direct potential complainants to the Title IX Coordinator at Franklin Pierce Schools, 315 129th St S, Tacoma, WA 98444, 253-298-3000. 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.~~

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

Informal remedies 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;~~
- ~~• Separating students; or~~
- ~~• Providing staff and/or student training.~~

~~Informal complaints may become formal complaints at the request of the complainant or his/her parent/guardian, or because the district believes the complaint needs to be more thoroughly investigated.~~

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

Formal Complaint Process

Level One – Complaint to District

Anyone may initiate a formal complaint of sexual harassment, even if the informal complaint process is being utilized. ~~At any level in the formal complaint process, the district will take interim measures to protect the complainant before the final outcome of the district's investigation.~~

~~The following process will be followed:~~

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 superintendent or~~ 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's Title IX Coordinator ~~at Franklin Pierce Schools, 315 129th St S, Tacoma, WA 98444, 253-298-3000.~~ Any district employee who receives a complaint that meets these criteria will promptly notify the Coordinator.

Investigation and Response

Determining Whether to Incorporate Additional Title IX Complaint Procedures

The Title IX Coordinator will ~~receive and investigate all~~ assess whether a formal, ~~written complaints~~ complaint of sexual harassment ~~or information in meets~~ the ~~coordinator's possession that they believe requires further~~ criteria for a Title IX complaint. If so, the district will implement investigation. ~~The 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 ~~will delegate his/her authority;~~
- 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 ~~this process if such action is necessary to avoid any potential conflicts of interest.~~ 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 ~~adequate in scope~~ prompt, thorough, reliable, and impartial. During the investigation process, the complainant and ~~accused party or parties,~~ 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 ~~Coordinator~~ investigator will compile a full written report of the complaint and the results of the investigation.

Superintendent Response

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 ~~alleged perpetrator~~ 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 ~~complainant~~ 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 (OSPI).
- 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 ~~party~~ respondent or ~~parties~~ respondent(s), the Coordinator will provide the ~~accused party or parties~~ 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 his/her/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 provides 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 athe complainant or respondent(s) disagrees with the superintendent's or designee's written decision, the complainantdisagreeing 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.
- The BoardIf 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 ~~present such witnesses and testimony~~ submit a written statement in support of or challenging the ~~Board deems relevant and material~~ 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 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.~~
- 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 (20th) 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

Mediation

- ~~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/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.~~

Investigation Recordkeeping

The district will maintain records of all sexual harassment investigations as required by the Washington State Archives Local Government Common Records Retention Schedule (CORE) and School Districts and Educational Service Districts Records Retention Schedule.

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 ~~and informal~~ complaint ~~processes~~dures, 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/guardians.

As part of the information on the recognition and prevention of sexual harassment, staff, volunteers, students, and parents/guardians 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.



Franklin Pierce Schools

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MEMORANDUM

TO: Board of Directors
FROM: Tammy Bigelow, Director of Business Services
DATE: January 19, 2021
SUBJECT: Procedure 3510P – Associated Student Bodies

BACKGROUND INFORMATION

WSSDA has revised Procedure 3510P – Associated Student Bodies to provide some factors to consider in determining whether to waive or reduce ASB fees. Additionally, the revised procedure includes new reporting requirements as set forth by RCW 28A.325.050.

RECOMMENDATION

None.

ACTION REQUIRED

None. This is an information item only.

ASSOCIATED STUDENT BODIES

The ~~Associated Student Bodies~~associated student bodies (ASBs) in the schools of the district ~~shall~~will operate within the following guidelines:

Structure

- A. ASBs are mandatory ~~in grades 7 through 12~~ whenever one or more students engage in money raising activities with the approval and at the direction or under the supervision of the district. ~~ASBs are not mandatory at the elementary level (K-5). However, any money raised with the approval and under the supervision of the district must be administered in the same way as ASB money.~~ The school principal is designated to act as the ASB for K-~~56~~ school buildings.
- B. The School Board has authority over ASBs. ASBs are subject to the same laws as the district, including accounting procedures, budgets, and warrants.

Financial Operations

- A. The district ~~must~~will have an ASB program fund budget approved by the School Board.
- B. All ASB money is accounted for, spent, invested, and budgeted the same way as other public money.
- C. Disbursements may be made either by warrant, imprest bank accounts, procurement card, or petty cash funds.
- D. ASB purchases ~~must~~will comply with state bid procedure as outlined in the law and district bid requirements policy and procedure. Purchases of the same goods or services for more than one school ~~must~~will be considered together when establishing the purchase amount and applicability of bid requirements.
- E. All property acquired with ASB moneys becomes property of the ~~school~~ district.
- F. ~~Associated student body ASB~~ groups may raise private ~~non-associated~~nonassociated student body fund moneys through ~~fund-raising~~fundraising and donations for scholarships, student exchanges, and charitable purposes. Such ~~fund-raising~~fundraising and donation solicitation ~~must~~will meet the requirements for other ASB fundraising and those requirements specific to ~~non-associated~~nonassociated student body funds, including clear notice to all donors of the purpose of the ~~fund-raising~~fundraising. Students wishing to use district facilities to raise private ~~non-associated~~nonassociated student body funds ~~must~~will comply with district policy and procedures regarding community use of school facilities. For handling the accounting for complex fundraising programs for private ~~non-associated~~nonassociated student body fund money, the district ~~shall recoup~~will withhold or otherwise be compensated an amount adequate to reimburse the district for its direct costs.
- G. Purposes that directly further or support the school district's program — both co-curricular and extracurricular — are suitable uses for ASB funds, if the activities are optional for students.
- H. ASB funds may not be used for gifts or recognition to individuals for private benefit. Private ~~non-associated~~nonassociated student body funds may be raised for scholarships, student exchanges, and charitable purposes, pursuant to district policy and procedure.

Waiver or Reduction of Fees

Each student who is eligible to participate in the federal free and reduced-price meals program will have fees associated with attending or participating in optional noncredit extracurricular activities waived.

Students' family members and other nonstudents who are sixty-five or older may have any fee to attend an optional noncredit extracurricular activity reduced if they would have difficulty paying the entire amount of the fee because of their low income. Any students' family members and other nonstudents who are sixty-five or older who believe he or she should have a fee reduced must contact the appropriate school and ask for a reduction. The school principal will determine whether a reduction is appropriate after obtaining relevant information from the person seeking the reduction.

Website Publication of Program Fund Information

The district will publish the following ASB program fund information on its website:

- A. The fund balance at the beginning of the school year;
- B. Summary data about expenditures and revenues occurring over the course of the school year;
- C. The fund balance at the end of the school year;
- D. Data related to high school student possession of an associated student body card and high school student participation in school-based extracurricular activities;
- E. The district's extracurricular activity opportunity gap reduction plan, if the district is required to develop one; and
- F. A list of optional noncredit extracurricular event attendance and participation fees and the district's policy for waiving or reducing those fees.

The information will be published for each ASB of the district and each account within the ASB program fund. If the district website contains separate websites for schools in the district, the information will be published on the website of the applicable school of the ASB. The district will add updated annual information to its website by each August 31st, except that the district is only required to maintain the information on its website from the previous five years.



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MEMORANDUM

TO: Board of Directors
FROM: Dr. Lance Goodpaster, Superintendent
DATE: January 19, 2021
SUBJECT: Executive Session

BACKGROUND INFORMATION

In accordance with RCW 42.30.110 and Board Policy 1410 – Executive or Closed Sessions, an executive session of the Board to discuss the Superintendent’s informal mid-year evaluation will be held for approximately 60 minutes with no action to follow. The Board will reconvene following the executive session to adjourn the regular meeting of the Board of Directors.

RECOMMENDATION

None.

ACTION REQUIRED

None. The executive session discussion is for information only.