YELM Community Schools

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SCHOOL BOARD MEMBERS: Denise Hendrickson, President ● Casey Shaw, Vice President
Debbie Edwards ● Bill Hauss ● Frank King

AGENDA

Regular School Board Meeting

Thursday, January 9, 2025
6 p.m.
Fort Stevens Elementary School
16525 100th Way SE • Yelm, WA

Regular School Board Meeting

A **1. Call to Order**
Flag Salute

I **2. Audience**
Community Comments

3. New Business

A **A. Individual Contracts**

1. New Hires
   Khristian Brant, YHS Para SPED Program FLC
   Jurell Johnson, YMS Coach Head Boys Basketball
   Hanna Lawlor, OSS ESA Speech Language Pathologist
   Pyrenees Loertcher, YHS Coach Asst Track Pole Vault
   Vickie Skeesick, MP Para Instructional — One Year Only
   Emileigh Wilhelme, MP Para SPED Program 1:1 LRC
2. Leave of Absence
   Bethany Cleghorn, SW/PR Teacher Art — LOA 1/13/2025-3/28/2025
   Kimberly Gosney, RMS Office Prof. V — LOA Ext. 10/15/2024-1/31/2025
3. Resignations/Retirements/Terminations
   Valerie Greenup, YES Office Prof. III — Resignation
   Erin Hervey, Transportation Bus Driver — Resignation
   Mary Roden, Facilities Custodian — Resignation
   Jodie Rothwell, Food Service Office Prof. III — *Retirement*
   Arik Ward, YHS Para SPED Program Self — Resignation
4. Staffing Changes
   Deanna Lopez, FS to YHS Site Para SPED Program

A **B. Policy Revisions and Replacements**
Second Reading – For Approval - Replacements
3205 Sex Discrimination and Sex-Based Harassment of Students Prohibited
3205 Procedure One
3205 Procedure Two

5011 Sex Discrimination and Sex-Based Harassment of Staff Prohibited
5011 Procedure

Second Reading – For Approval – Revisions
3211 Procedure - Gender Inclusive Schools
3420 Anaphylaxis Prevention and Response
3420 Procedure
3520 Student Fees, Fines, Charges
3520 Procedure
4200 Procedure - Safe and Orderly Learning Environment

I 4. Study Session

Fort Stevens Elementary Spotlight

I 5. Board Comments

I 6. Superintendent's Report

A 7. Adjourn

Next Board Meeting: January 23, 2025 – 6:00 p.m. – Regular Business Meeting
Location: District Office

Individuals with disabilities who may need a modification to participate in a meeting should contact the Superintendent's Office no later than three days before a meeting so that arrangements for the modification can be made.

A= Action **I= Information** **D= Discussion**

Personnel Action for Board Approval

Doyla Buckingham
Director of Human Resources

DATE OF BOARD MEETING: January 9, 2025

NEW HIRES:

First Name	Last Name	Location	Title	Date	Comments
Khristian	Brant	Yelm HS	Para SPED Program FLC	12/16/2024	
Jurell	Johnson	Yelm MS	Coach-Head Boys Basketball	2/3/2024	
Hanna	Lawlor	Student Support	ESA-Speech, Language Pathologist	1/6/2024	
Pyrenees	Loertcher	Yelm HS	Coach-Assnt Track Pole Vault	12/20/2024	
Vickie	Skeesick	Mill Pond Elem	Para-Instructional	12/16/2024	OYO
Emileigh	Wilhelme	Mill Pond Elem	Para-SPED Program 1:1-LRC	1/6/2025	

LEAVES OF ABSENCE:

First Name	Last Name	Location	Title	Date	Comments
Bethany	Cleghorn	Southorth/Prairie	Tchr-Art	1/13/2025	LOA 1/13/2025-3/28/2025
Kimberly	Gosney	Ridgeline MS	Office Professional V	12/31/2024	LOA Ext 10/15/24-01/31/25

RESIGNATIONS/RETIREMENTS/TERMINATIONS:

First Name	Last Name	Location	Title	Date	Comments
Valerie	Greenup	Yelm Ext	Office Professional III	1/3/2025	Resignation
Erin	Hervey	Transportation	Bus Driver	1/6/2025	Resignation
Mary	Roden	Facilities	Custodian	1/5/2025	Resignaiton
Jodie	Rothwell	Food Service	Office Professional III	12/31/2024	Retirement
Arik	Ward	Yelm HS	Para-SPED Program SELF	12/18/2024	Resignation

STAFFING CHANGES:

First Name	Last Name	From	To	Date	Comments
Deanna	Lopez	Para SPED Program	Para SPED Program SITE	1/6/2025	FTS to YHS

REQUESTS FOR WAIVERS FOR TEACHING OUT OF ENDORSEMENT:

First Name	Last Name	Location	Out of Endorsement Subject	Date	Comments

Procedure No. 3211P

Gender-Inclusive Schools

~~Students shall enjoy the privilege of free verbal and written expression providing such expression does not disrupt the operation of the school. The principal shall have the authority to monitor student ver~~

The principal or building administrator—or an appropriate, designated school employee—is encouraged to request a meeting with a transgender or gender-expansive student upon the student's enrollment in the district or in response to a currently enrolled student's change of gender expression or identity. Before contacting a student's parents, the school will consult with the student about the student's preferences regarding family involvement and consider whether safety concerns are present for the student.

The goals of the meeting are to:

- develop understanding of that student's individual needs with respect to their gender expression or identity, including any accommodations that the student is requesting or that the district will provide according to Policy 3211 and this procedure and under state and federal law; and
- develop a shared understanding of the student's day-to-day routine within the school so as to foster a relationship and help alleviate any apprehensions the student may have with regard to their attendance at school.

The school may not require the student to attend a meeting as condition of providing them with the protection to which they are entitled under Policy 3211, this procedure, and state and federal law regarding gender expression or identity.

Key Definitions/Terms

- Assigned sex at birth: The sex a person was given at birth, usually based on anatomy or chromosomes (e.g., male, female, intersex, etc.).
- Cisgender: A term used to describe people whose assigned sex matches their gender identity and/or gender expression (e.g., someone who was assigned female at birth and whose gender identity and/or gender expression is also female.
- Gender Expansive: A wider, more flexible range of gender identities or expressions than those typically associated with the binary gender system.
- Gender Expression: The external ways in which a person expresses their gender to the world, such as through their behavior, emotions, mannerisms, dress, grooming habits, interests, and activities.
- Gender Identity: A person's internal and deeply-felt sense of being female, male, both, non-binary, gender-expansive, or other—regardless of the gender assigned at birth.

- Transgender: A term often used to describe a person whose gender identity or expression, or both, are different from those traditionally associated with their sex assigned at birth.
- Transitioning: The process in which a person goes from living and identifying as one gender to living and identifying as another.

Communication and Use of Names and Pronouns

An appropriate school employee will privately ask known transgender or gender-expansive students how they would like to be addressed in class, in correspondence to the home, and at conferences with the student's parent/guardian. That information will be included in the electronic student record system along with the student's legal name in order to inform teachers and staff of the name and pronoun by which to address the student. However, the student's legal name should be accessible by only necessary staff members—it should not be visible to teachers or other staff who have access to the electronic records system.

When appropriate or necessary, this information will be communicated directly with staff to facilitate the use of proper names and pronouns. A student is not required to change their official records or obtain a court-ordered name and/or gender change as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity.

When communicating with transgender or gender expansive students regarding particular issues such as conduct, discipline, grades, attendance or health, school employees will focus on the conduct or particular issues rather than making assumptions regarding the student's actual or perceived gender identity or gender expression. Before communicating with parents of transgender or gender expansive students, it's important to ask the student how school employees should refer to the student when talking with their parents and guardians. For families who are supportive, using the student's name and pronoun could be affirming for the student. For parents who are not supportive, or who are not aware of the student's transition at school, referring to their name and pronoun could be very dangerous. The district will not condone the intentional or persistent refusal to respect a student's gender identity or gender expression, or inappropriate release of information regarding a student's transgender or gender-expansive status.

Official Records

The standardized high school transcript is the only official record that requires a student's legal name. School staff should adopt practices to avoid the inadvertent disclosure of the student's transgender or gender-expansive status. The District will change a student's official records to reflect a change in legal name upon receipt of:

1. Documentation that the student's legal name or gender has been changed pursuant to a court order or through amendment of state or federally-issued identification; or
2. A written, signed statement explaining that the student has exercised a common-law name change and has changed their name for all intents and purposes and that the change has not been made for fraudulent reasons.

Schools may change a student's official gender designation upon parent or student request pursuant to the Office of the Superintendent of Public Instruction's (OSPI's) process found at: **https://www.k12.wa.us/sites/default/files/public/cedars/pubdocs/2018-**

19cedarsreportingguidance.pdf. The process should not be overly cumbersome, and the district may not require verification from a physician.

The school must use the name and gender by which the student identifies on all other records, including but not limited to school identification cards, classroom seating charts, athletic rosters, yearbook entries, diplomas, directory information.

Confidential Health or Educational Information
Information about a student's gender identity, legal name, or assigned sex at birth may constitute confidential medical or educational information.

As stated in Policy 3230 – Searches of Students and Student Privacy or modify as appropriate for your district, Washington State Law provides that at certain ages, students attain the right to decide for themselves what medical records will remain confidential, even from their parents, and what activities the student will participate in.

Disclosing this information to other students, their parents or other third parties may violate privacy laws, such as the federal Family Education Rights and Privacy Act (FERPA) (20 U.S.C. §1232; 34 C.F.R. Part 99). Parents have the right under FERPA to request their student's educational records and if requested, the District will provide the student's educational records to the parent according to 3231/3231P – Student Records. To ensure the safety and well-being of the student, school employees should not disclose a student's transgender or gender-expansive status to others, including other school personnel, other students, or the parents of other students unless the school is (1) legally required to do so or (2) the student has authorized such disclosure.

Restroom Accessibility
Students will be allowed to use the restroom that corresponds to the gender identity they assert at school. No student will be required to use a restroom that conflicts with their gender identity. Any student—regardless of gender identity—who requests greater privacy should be given access to an alternative restroom. However, schools may not require a student to use an alternative restroom because of their transgender or gender-expansive status.

Locker Room Accessibility
Use of locker rooms by transgender or gender-expansive students will be assessed on a case-by-case basis, with the goal of maximizing transgender or gender-expansive student social integration, providing an equal opportunity to participate in physical education classes and athletic opportunities and ensuring the student's safety. The district will take an approach that conforms with OSPI 's guidelines. In most cases, the district should provide the student access to the locker room that corresponds to the gender identity they assert at school. Reasonable alternatives to locker room conditions for any student who wants additional privacy include, but are not limited to:

- Use of a private area (e.g., nearby restroom stall with a door, an area separated by a curtain, an office in the locker room, or a nearby health office restroom);
- A separate changing schedule (i.e., utilizing the locker room before or after the other students).

The school will provide accommodations needed to allow the student to keep their transgender or gender-expansive status private. No student will be required to use a locker room that conflicts with his or her gender identity.

Sports and Physical Education Classes
The District will provide all students, including transgender and gender-expansive students, the opportunity to participate in physical education and athletic programs/opportunities in a manner that is consistent with their gender identity.

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

Dress Codes
The District will allow students to dress in a manner that is consistent with their gender identity and/or gender expression within the constraints of the dress codes adopted at their school site and within the constraints of the District guidelines for dress as they relate to health and safety issues (e.g., prohibitions on wearing gang-related apparel). School dress codes will be gender-neutral and will not restrict a student's clothing choices on the basis of gender. The district will take an approach that conforms with OSPI 's guidelines.

Other School Activities
In any school activity or other circumstance involving separation by gender (i.e., class discussions, field trips, and overnight trips), students will be permitted to participate in accordance with the gender identity they assert at school. Teachers and other school employees will make every effort to separate students based on factors other than gender where practicable.

Training and Professional Development
The district will designate one person to be the primary contact regarding this policy and procedure relating to transgender or gender expansive students. The primary contact must participate in at least one mandatory training opportunity offered by OSPI. When possible, the District will conduct staff training and ongoing professional development in an effort to build the skills of all staff members to prevent, identify and respond to harassment and discrimination. The content of such professional development should include, but not be limited to:

- Terms and concepts related to gender identity, gender expression, and gender diversity in children and adolescents;
- Appropriate strategies for communicating with students and parents about issues related to gender identity and gender expression, while protecting student privacy;
- Strategies for preventing and intervening in incidents of harassment and discrimination, including bullying and cyber-bullying;
- District and staff responsibilities under applicable laws and district policies regarding harassment, discrimination, gender identity, gender expression issues.

Discrimination and Harassment Complaints
Discrimination and harassment on the basis of sex, gender identity, or gender expression are

prohibited within the district. It is the responsibility of each school, the District, and all staff to ensure that all students, including transgender and gender-expansive students, have a safe school environment. The scope of this responsibility includes ensuring that any incident of discrimination or harassment is given immediate attention and/or reported to the person designated as the primary contact relating to transgender or gender expansive students. The primary contact will communicate with the district's Civil Rights Compliance Coordinator.

Complaints alleging discrimination or harassment based on a person's actual or perceived gender identity or expression are to be taken seriously and handled in the same manner as other discrimination and harassment complaints. This includes investigating the incident and taking age and developmentally-appropriate corrective action. Anyone may file a complaint alleging a violation of this policy using the complaint process outlined in the district's Sex Discrimination and Sex-Based Grievance Procedure 3205 P1~~Nondiscrimination Procedure 3210P~~.

The ~~d~~District will share this policy and procedure with students, parents/guardians, employees, and volunteers.

ADOPTED: 12/17/2020, 2/23/2023, new date

3420 Anaphylaxis Prevention and Response

Anaphylaxis is a life-threatening allergic reaction that may involve systems of the entire body. Anaphylaxis is a medical emergency that requires immediate medical treatment and may require follow-up care by an allergist/immunologist.

The Yelm Community Schools Board of Directors expects school administrators, teachers, and support staff to be informed and aware of life threatening allergic reactions (anaphylaxis) and how to deal with the resulting medical emergencies. For students, some common life threatening allergens are peanuts, tree nuts, fish, bee or other insect stings, latex, and some medications. Affected students require planned care and support during the school day and during school sponsored activities. Additionally, any student could potentially have a life threatening allergic reaction even without a history of such.

Parents/guardians are responsible for informing the school about their student's potential risk for anaphylaxis and for ensuring the provision of ongoing health information and necessary medical supplies. The district will take reasonable measures to avoid allergens for affected students. The district will also train all staff in the awareness of anaphylaxis and prepare them to respond to emergencies. Additionally, student specific training will be provided for appropriate personnel. The plan shall be distributed to appropriate staff based on the students' needs and the staffs' level of interaction with the student as determined in the health plan.

Even with the district's best efforts, staff and parents/guardians need to be aware that it is not possible to achieve a completely allergen-free environment. However, the district will take reasonable precautions to reduce the risk of exposure to allergens for ~~a~~ students with ~~a~~ history of anaphylaxis coming into contact with the offending allergen in school.

The superintendent will establish procedures to support this policy and to ensure:

1. Rescue protocol in cases of suspected anaphylaxis will follow OSPI's Guidelines for the Care of Students with Anaphylaxis (2009);
2. A simple and standardized format for emergency care plans is utilized;
3. A protocol is in place to ensure emergency care plans are current and completed and distributed to appropriate staff;
4. Medication orders are clear and unambiguous;
5. Training and documentation is a priority.

Cross Reference:

Board Policy 3419	Self-Administration of Asthma and Anaphylaxis Medications
Board Policy 3416	Medication at School

Legal References:

RCW 28A.210.3803	Anaphylaxis – Policy Guidelines – Procedures – Report

Management Resources:

OSPI, March 2009	Guidelines for the Care of Students with Anaphylaxis

Policy and Legal News February 2009; August 2012; December 2013; August 2018

ADOPTED: 04/23/2009
REVISED: 10/25/12; 5/23/19

Procedure No. 3420P Anaphylaxis Prevention and Response

For students with a medically diagnosed life-threatening allergy (anaphylaxis), the district will take appropriate steps for the student's safety, including implementing a ~~nursing care~~ health plan developed by the school nurse. The district will utilize the Guidelines for the Care of Students with Anaphylaxis published by the Office of the Superintendent for Public Instruction.

Parent/Guardian Responsibility

Prior to enrolling a student, the parent/guardian will inform the school in writing of the medically diagnosed allergy(ies) and risk of anaphylaxis. Upon receiving the diagnosis, school staff will contact the parent/guardian to develop a ~~nursing care~~ health plan. A ~~nursing care~~ health plan will be developed for each student with a medically diagnosed life-threatening allergy.

~~Nursing Care~~ Health Plan

The school nurse (registered nurse) will develop a written plan that identifies the student's allergies, symptoms of exposure, practical strategies to minimize the risks and how to respond in an emergency.

The principal or designee ~~(school nurse) may~~ shall arrange for a consultation ~~with~~ between the school nurse and parent/guardian prior to the first day of attendance to develop and discuss the ~~nursing care~~ health plan. The plan will be developed by the school nurse in collaboration with parent/guardian, licensed heath care provider (LHP), and appropriate school staff. If the treatment plan includes self-administration of medications, the parents/guardian, students and staff will comply with policy and procedure 3419, *Self-Administration of Asthma and Anaphylaxis Medication.*

Annually and prior to the first day of attendance, the student health file will contain: 1) a current completed ~~nursing care~~ health plan; 2) a written ~~description of the treatment~~ medical order, signed by a LHP; and 3) an adequate and current supply of auto-injectors or intranasal medication ~~(~~and other medications if needed~~)~~. The school will also recommend to the parents/guardians that the student wear a medical alert bracelet at all times. The parents/guardians are responsible for notifying the school if the student's condition changes and for providing the medical treatment order, appropriate auto-injectors or nasal spray,

and other medications as ordered by the LHP.

The district will exclude from school those students who have a medically diagnosed life-threatening allergy and no medication or treatment order presented to the school, to the extent that the district can do so consistent with federal requirements for students with disabilities under the Individuals with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, and pursuant to the following due process requirements:

1. Written notice to the parents/guardians or persons in loco parentis is delivered in person ~~or~~ by certified mail or email.

2. Notice of the applicable laws, including a copy of the laws and rules.

3. The order that the student shall be excluded from school immediately and until medications or a ~~treatment~~ medical order is presented.
4. The student's and parent's right to a hearing to challenge the decision.

Communications Plan and Responsibility of School Staff

After the ~~nursing care~~ health plan is developed, the school principal or a designee will inform appropriate staff regarding the affected student. The school nurse (R.N.) will train appropriate staff regarding the affected student and the nursing care plan. The plan will be distributed to appropriate staff and placed in appropriate locations in the district (class room, office, school bus, lunchroom, near playground etc.). With the permission of parents/guardian and the student, (if appropriate), other students and parents may be given information about the student's condition.

All School Staff Training

Annually, each school principal will ~~provide~~ for an in-service training on how to minimize exposure and how to respond to an anaphylaxis emergency. The training will include a review of avoidance strategies, recognition of symptoms, the emergency protocols to deal with an anaphylaxis episode (calling 911/EMS when symptoms of anaphylaxis are first observed), and hands-on training in the use of an auto injector. Training should also include notifications that more than one dose may be necessary in a prolonged anaphylaxis event.

Student specific training and additional information will be provided (by the school nurse) to teachers, teacher's assistants, clerical staff, food service workers, and bus drivers who will have known contact with a student diagnosed with a known allergen.

Student-specific Training

Annually, before the start of the school year and/or before the student attends school for the first time, the school nurse will provide student-specific training and additional information to teachers, teacher's assistants, clerical staff, food service workers, and bus drivers who will have known contact with a student diagnosed with a known allergen and are implementing the nursing care plan.

Controlling the Exposure to Allergens

Controlling the exposure to allergens requires the cooperation of parents/guardians, students, the health care community, school employees, and the board. The district will inform parents/guardians of the presence of a student with life-threatening allergies in their child's classroom and/or school and the measures being taken to protect the ~~affected~~ student. Parent~~s~~/guardians will be asked to ~~cooperate and~~ avoid including the allergen in school lunches and snacks or other products. The district will discourage the sharing of food, utensils, and containers. The district will take other precautions such as appropriate cleaning of eating surfaces, avoiding the use of party balloons or contact with latex gloves. Additionally, play areas will be specified that are lowest risk for the affected student.

The district will also identify high-risk events and areas for students with life-threatening allergies, such as foods and beverages brought to school for seasonal events, school equipment, and curricular materials used by large numbers of students (play-dough, stuffed toys, science projects, etc.), and implement appropriate accommodations.

During school-sponsored activities, appropriate supervisors, staff and parents/guardians will be made aware of the identity of the student with life-threatening allergies, the allergens, symptoms and treatment. The lead teacher will ensure that the auto-injector is brought on field trips.

ADOPTED: 04/23/2009
REVISED: 10/25/12; 5/23/19, new date

Procedure No. 3520P Student Fees, Fines, Charges

Student Fees, Fines, Charges

Student fee schedules for individual buildings must be approved by the superintendent or designee annually ~~on an annual basis~~. Each building will submit an annual report which includes a report indicating the fees collected by each department. In establishing fees for classes, the following guidelines shall be used:

A. Class registration literature shall describe fees for each class or activity and the process for obtaining a waiver or fee reduction;

B. A fee may be collected for any program in which the resultant product is in excess of minimum requirements and, at the student's option, becomes the personal property of the student. Fees may not exceed the cost of the materials. The district shall furnish materials for those introductory units of instruction where a student is acquiring the fundamental skills for the course. A student must be able to obtain the highest grade offered for the course without being required to purchase extra materials;

C. A fee may be collected for personal physical education and athletic equipment, apparel and towels or towel service. However, any student may provide their own if it meets reasonable requirements and standards relating to health and safety;

D. A reasonable fee, not to exceed the actual annual maintenance cost, for the use of musical instruments and uniforms owned or rented by the district may be collected;

E. Students may be required to furnish personal or consumable items including pencils, paper, erasers, notebooks;

F. Security deposits for the return of materials or equipment may be collected. Provisions shall be made to return the deposit when the student returns the item at the conclusion of the school term; and

G. A fee may be collected for a unit of instruction where the activity necessitates the use of facilities not available on the school premises, and participation in the course is optional on the part of the student. A waiver or fee reduction need not be offered for such activities.

Fees shall not be levied for:

A. Field trips required as part of a basic educational program or course;

B. Textbooks (non-consumable) that are designated as basic instructional material for a course of study; or

C. Instructional costs for necessary staff employed in any course or educational program.

Fee waivers and reductions will be granted to students whose families would have difficulty paying ~~by reason~~ because of their low income. For students and families participating in the national school lunch program, the school breakfast program, or both, the USDA Child Nutrition Program guidelines will be used to determine qualification for a fee waiver or reduction. The district will annually distribute and collect information and an application for all households of children in kindergarten through grade twelve to determine student eligibility for free or reduce-price meals in compliance with chapter 28A.235 RCW, Policy 6700, and Procedure 6700P.

If a student has not paid for five or more previous meals, the school shall follow the procedures and requirements in Policy 6700 and Procedure 6700P.

~~Fines or damage charges may be levied for lost textbooks, library books or equipment. If a student is unable to pay the fine or charge the student may make restitution through a voluntary work program or community service. Records pertaining to the student's academic performance, special placement, immunization history and discipline actions will be sent to the enrolling school. This information will be communicated to the enrolling district within two school days and the confirming records will be sent as soon as possible. Official transcripts and grades shall not be withheld for unpaid fines or fees or for damaging or losing school property or property belonging to other specified parties.~~

~~A charge for lost or damaged materials or equipment may be appealed to the Superintendent or designee. The Superintendent's or designee's decision may be appealed to the Board. Care will be exercised by advising students and their parents, in writing, regarding the nature of the damages, how restitution may be made, and how a student or their parents may request a hearing. When damages are $100 or less, a parent and/or student has a right to appeal the imposition of a fine in a manner similar to that specified for a short-term suspension. (Policy #3322) When damages exceed $100, the parent and/or student may request a hearing in the manner provided for in a long-term suspension. (Policy #3324)~~

When the district withholds students' diplomas for failure to pay a fine or charge for damages, the district will publish and maintain the following information on its website, either the information published under RCW 28A.325.050 or in a different

location on its website that facilitates easy access to information: the number of diplomas withheld, by graduating class, during the preceding five school years, with data from the prior reporting year updated annually to reflect the release of diplomas; and the number of students with withheld diplomas who were eligible for free or reduced-price meals during their last two years of enrollment in the district.

All fees will be deposited with the business office on a regular basis. The respective departments and schools will be credited ~~by~~ with the amount of their deposit.

ADOPTED: 09/22/1994

REVISED: 12/14/95; 07/23/96; 12/17/20, 8/25/2022, new date

3520 Student Fees, Fines, Charges

The district shall provide an educational program for the students as free of costs as possible.

The Superintendent or designee may approve the use of supplementary supplies or materials for which a charge is made to the student so long as the charge does not exceed the cost of the supplies or materials, students are free to purchase them elsewhere, or provide reasonable alternatives, and ~~a~~ proper accounting is made of all moneys received by staff for supplies and materials.

The Board delegates authority to the Superintendent or designee to establish appropriate fees and procedures governing the collection of fees and to make annual reports to the Board regarding fee schedules. Arrangements will be made for the waiver or reduction of fees for students whose families, ~~by reason~~ because of their low income, would have difficulty paying the full fee. For programs governed by the National School Lunch Act, the USDA Child Nutrition Program guidelines will be used to determine qualification for waiver. The Superintendent or designee will establish a procedure for annually notifying parents of the availability of fee waivers and reductions, including eligibility information for free or reduced-price meals.

A student shall be responsible for the cost of replacing ~~materials or~~ any property belonging to others ~~which~~ that are lost or damaged due to the student's negligence. ~~A student's grades, transcripts or diploma may be withheld until restitution is made by payment or the equivalency through voluntary work community service.~~

If any property of the district, a contractor of the district, an employee, or another student has been lost or willfully cut, defaced, or injured, with the damages exceeding $1,000, the district may withhold the diploma, but not the grades or transcripts, of the student responsible for the damage or loss for the earlier of either 5 years from the date of the student's graduation or until the amount owed is less than $1,000. If the student and parent or guardian are unable to pay for the damages, the district shall provide a program of community service for the student in lieu of the payment of monetary damages. Community service completed must be credited at the applicable local or state minimum wage, whichever is greater. Upon completing community service that reduces the amount owed to less than $1000, the student's diploma must be released.

The student or their parents or guardians may appeal the imposition of a charge for damages or fines ~~to the Superintendent or designee and Board of directors~~. The student and their parents or guardians shall be notified regarding the nature of the ~~violation~~ charge for damage or fines, whether the student's diploma may be withheld, how restitution may be made, and how an appeal may be instituted. When the damages or fines do not exceed $100, the student or their parents or guardians will have the right to an informal conference with the principal. As is the case for appealing a short-term suspension, the principal's decision may be appealed to the Superintendent or designee and ~~to the~~ Board ~~of Directors~~. When damages are in excess of $100, the appeal process for long-term suspension shall apply.

~~If a student has transferred to another school district that has requested the student's records, but that student has an outstanding fee or fine, only records pertaining to the student's academic performance, special placement, immunization history, attendance, history of violent behavior, violent offenses, sex offenses, inhaling toxic fumes, drug offenses, liquor violations, assault, kidnapping, harassment, stalking or arson, and discipline actions shall be sent to the enrolling school. The content of those records will be communicated to the enrolling district within two school days and copies of the records will be sent as soon as possible. The official transcript will not be sent until the outstanding fee or fine is discharged. The enrolling school shall be notified that the official transcript is being withheld due to an unpaid fee or fine. However, for students who meet the definition of homeless, the district will make all the student's records readily available to the enrolling school regardless of outstanding fees or fines.~~

Cross References:

Board Policy	3115	Homeless Students: Enrollment Rights and Services
	3231	Student Records
	3241	Student Discipline
	2020	Course Design, Selection and Adoption of Instructional Materials

Legal References:

42 U.S.C. 11431 et seq.	McKinney-Vento Homeless Assistance Act
AGO 1965-66, #113	Fees – Tuition – Supplies – Authority of school districts to charge tuition fees or textbook fees

AGO 1973, No. 11 Tuition & Fees – Authority of school districts to charge various fees

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.320.230(f) Instructional materials – Instructional materials committee

RCW 28A.330.100 Additional powers of Board

RCW 28A.635.060 Defacing or injuring school property – Liability of parent or guardian – Withholding ~~grades,~~ diplomas ~~or transcripts~~ – Suspension and restitution – ~~Voluntary work~~ Community Service program as alternative – Rights protected

RCW 28A.220.040 Fiscal support – Reimbursement to school districts – Enrollment fees – Deposit

Management Resources: Policy & Legal News July 2019; May 2018; July 2023

Policy News June 1999 School Safety Bills Impact Policy

ADOPTED: 12/14/1995

REVISED: 04/25/96; 08/26/99; 10/26/06; 12/17/20, new date

Procedure No. 4200P Safe and Orderly Learning Environment
Visitors

The following guidelines are established to permit visitors to observe the educational program with minimal disruption:

1. All visitors must register at the office upon their arrival at school.

2. Visitors whose purpose is to influence or solicit students shall not be permitted on the school grounds unless the visit furthers the educational program of the district. Military recruiters will be provided the same opportunities to meet with students as higher education and employer representatives.

3. If the visitor wishes to observe a classroom or school sponsored activity, the time shall be arranged after the principal has conferred with the teacher or other relevant staff member.

4. If the purpose of the classroom visitation is to observe learning and teaching activities, the visitor may be asked to confer with the teacher before or after the observation to enhance understanding of the activities.

5. The principal may withhold approval if particular events such as testing would be adversely affected by a visit. Similarly, if a visitor's presence becomes disruptive, the principal may withdraw approval. In either case, the principal shall give reasons for the action.

6. If a dispute arises regarding limitations upon or withholding of approval for visits:

    1. The visitor shall first discuss the matter with the principal;

    2. If it is not satisfactorily resolved, the visitor may request a meeting with the superintendent.

The latter shall promptly meet with the visitor, investigate the dispute and render a written decision, which shall be final, subject only to the citizen's right to raise an issue at a regular session of the board.

Disruption at School Activities

The following guidelines are suggested as basic security measures to prevent/reduce disruptive activities in the school:

A. All visitors are required to check into the office upon entering a school building. All entrances must be posted;

B. Staff members are responsible for monitoring hallways and playgrounds. Unfamiliar persons are to be directed to the office;

C. A visitor's badge with the current date should be worn conspicuously;

D. Written guidelines pertaining to rights of noncustodial parents should be readily accessible to direct staff about what to do if a noncustodial parent shows up demanding to:

1. Meet with the teacher of their child,
2. Visit with their child, or
3. Remove their child from the school premises.

E. If a visitor is under the influence of alcohol or drugs, is committing a disruptive act or invites another person to do so, the staff member may exercise the right to order the visitor off of school premises. If the visitor fails to comply, the staff member should contact the school office which may, in turn, report the disturbance to a law enforcement officer.

ADOPTED: 10/22/1992
REVISED: 11/24/98; 03/27/03

5011P Sex Discrimination and Sex-Based Harassment of Staff Prohibited Code 5011P

Prior Revised Dates 08.06; 10.11; 03.14; 01.15; 06/01/2015; 06/28/2021

The district is committed to a positive and productive working environment free from sex-based discrimination, including sex-based harassment. This commitment extends to all employees, applicants for employment, and other people who are not students involved in academic, educational, extracurricular, athletic, and other programs or activities of the district, whether that program or activity is in a school facility, on school transportation, or at a class training held elsewhere.

The district does not discriminate on the basis of sex and prohibits sex discrimination in employment as required by Federal, State, and local laws. Discrimination on the basis of sex includes discrimination on the basis of sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, and gender expression. The district will not adopt or implement any policy, practice, or procedure or take any employment action that treats individuals differently on the basis of sex.

Sex-based harassment is a form of sex discrimination and is prohibited by the district and will also be investigated under that procedure. "Sex-based harassment" means sexual harassment and other harassment on the basis of sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, and gender expression.

The district has jurisdiction over complaints of sex-based discrimination and marital status pursuant to the Federal law Title IX of the Education Amendments of 1972 (Title IX) and Washington State laws, including RCW 49.60.

The district has adopted the definitions in Procedure 3205P.1 for sex-based discrimination, including sex-based harassment, on the basis of sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, or gender expression.

Examples of sex-based discrimination of employees or applicants for employment include but are not limited to taking any of the following actions on the basis of sex stereotypes, sex characteristics, sexual orientation, gender identity, pregnancy, or related conditions:

- Refusal to hire or promote
- Firing an employee or forcing them to quit or retire
- Sex-based harassment, such as "quid pro quo harassment" and "hostile environment harassment"
- Other forms of sex-based harassment, such as specific offenses of sexual assault, dating violence, domestic violence, or stalking
- Providing unequal benefits or compensation
- Other materially unequal terms, conditions, or privileges of employment

Retaliation Prohibited

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

When the district has information about conduct that reasonably may constitute retaliation under Title IX or this policy and procedure, the district is obligated to respond promptly and effectively, inform the Title IX Coordinator, and provide notice of the district's grievance process for addressing complaints of retaliation. Upon receiving a complaint alleging retaliation, the district must initiate its grievance procedures as described below or, as appropriate, an informal resolution process under those procedures.[1]

Grievance Procedure

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

Other forms of discrimination against employees or applicant employees that do not fall under that procedure may be addressed under other district policies and procedures, such as Policy 5010.

Staff Responsibilities, Training, and District Notice

The Superintendent Procedures at 3205P.2 describe how the District's Policy 5011 will be implemented, including:

- The roles, responsibilities, and training requirements of the Title IX Coordinator and school employees.
- That age-appropriate information and education to district staff, students, parents, and volunteers will be developed to explain this policy and to aid in the identification, recognition, and prevention of sex-based harassment.

- Where and how district will provide notice about the policy as required by Title IX and other laws.

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

Dr. Lisa Cadero-Smith, Assistant Superintendent, Title IX Coordinator
107 1st Street N
Yelm WA 98597
360.458.6120
lisa_cadero-smith@ycs.wednet.edu
https://www.ycs.wednet.edu/our-district/harassment-intimidation-bullying-civil-rights

Other Complaint Options

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

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

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

Washington State Human Rights Commission (WSHRC)

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

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

[1] As discussed in 3205P.1, the Title IX regulations permit, but do not require, informal resolution processes.

Management Resources

2015 - July Policy Alert

2014 - March Issue

Updates Chart:

Additions Chart:

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5011 Sex Discrimination and Sex-Based Harassment of District Staff Prohibited

Prior Revised Dates 10.11; 12.14; 07/01/2015; 06/28/2021; 06/29/2022

This district is committed to a positive and productive working environment free from discrimination, including sex-based discrimination and harassment. This commitment extends to all employees, applicants for employment, and others involved in academic, educational, extracurricular, athletic, and other programs or activities of the district, whether that program or activity is in a school facility, on school transportation, or at a class training held elsewhere.

This policy is developed to meet the district's obligations under Title IX and is aligned with Washington State laws and regulations that define sex-based discrimination. The district will not adopt or implement any policy, practice, or procedure or take any employment action on the basis of sex, except to meet its obligations related to pregnancy and pregnancy-related conditions.

The district will not make any pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is "Miss or Mrs." Pre-employment, the district may ask an applicant for employment to self-identify their sex, but only if this question is asked of all applicants and if the response is not used as a basis for discrimination prohibited by Title IX or this policy.

Consistent with the Title IX regulation, the district will not implement any policy, practice, or procedure or take any employment action on the basis of sex:

(1) concerning the current, potential, or past parental, family, or marital status of an employee or applicant for employment, which treats persons differently; or

(2) that is based upon whether an employee or applicant for employment is the head of household or principal wage earner in such employee's or applicant's family unit.

The district will not discriminate against any employee or applicant for employment on the basis of current, potential, or past pregnancy or related conditions. The district must treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions for all job-related purposes, including commencement, duration and extensions of leave; payment of disability income; accrual of seniority and any other benefit or service; and reinstatement; and under any fringe benefit offered to employees by virtue of employment.

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

Definitions

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

The term "sexual harassment" includes the following, which Title IX defines at 34 C.F.R. § 106.2:

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

The term "sexual harassment" is also prohibited under state law as defined at W.A.C. 392-190-056 and includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature between two or more individuals if:

a. Submission to that conduct or communication is condition of obtaining employment;
b. a factor in decisions affecting that individual's employment; or
c. the conduct or communication has the purpose or effect of substantially interfering with an individual's employment or of creating an intimidating, hostile, or offensive educational environment.

Harassment based on sexual orientation, gender expression, or gender identity is also prohibited under Washington state law as defined at RCW 49.60.040 and WAC 162.32-040.

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

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

The district has also developed other specific related policies for district employees to comply with its obligations under State and Federal laws, including Title IX, and to create an inclusive and welcoming work environment, including [WSSDA Model Policies or modified for your district equivalent] Policy 5210 (Prohibiting Discrimination of Staff), Policy 5012 (Parental, family, or marital status; pregnancy or related conditions), and 5404 (Family Medical and Maternity Leave).

Investigation and Response

The Superintendent or designee will develop and implement procedures for receiving, investigating, and resolving complaints or reports of sex discrimination, including sex-based

harassment, and will include reasonable and prompt timelines and delineate roles and responsibilities for such.

If the district knows, or reasonably should know, that sex-based discrimination has occurred, the district will promptly investigate to determine what occurred and will take appropriate steps to resolve the situation. If an investigation reveals that sex-based harassment has created a hostile environment, the district will take prompt and effective steps reasonably calculated to end sex-based harassment, eliminate the hostile environment, prevent its occurrence, and, as appropriate, remedy its effects. The district will take prompt, equitable, and remedial action within its authority every time a report, complaint, and grievance alleging sex-based harassment comes to the attention of the district, either formally or informally.

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

Engaging in sex-based discrimination will result in appropriate discipline or other appropriate sanctions against offending staff or third parties involved in district activities. Anyone else who engages in sex-based discrimination on district property or district workspaces will have their access to school property and activities restricted, as appropriate.

Retaliation and False Allegations

It is a violation of this policy to engage in retaliation, as defined under Federal and State laws and the Superintendent's procedure, against any person who makes or is a witness in a sex-based discrimination complaint and will result in appropriate discipline. The district will take appropriate actions to protect involved persons from retaliation.

It is a violation of this policy to knowingly report false allegations of sex-based discrimination. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline. However, no party, witness, or others participating in the district's grievance process will be disciplined based solely on a determination of whether sex-based discrimination occurred under the Superintendent's procedure.

Staff Responsibilities and Training

The Superintendent or designee will develop and implement a procedure that identifies the roles, responsibilities, and training requirements of the Title IX Coordinator and school employees.

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

District Notice

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

This policy and the procedure, which includes the complaint process, will be conspicuously posted in each district building in a place accessible to staff, students, parents, volunteers, and visitors. Information about the policy and procedure will be clearly stated and posted throughout each school building, provided to each employee, and reproduced in each student, staff, volunteer, and parent handbook. Such notices will identify the district's Title IX coordinator and provide contact information, including the coordinator's email address.

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

Policy Review

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

Legal References

20 U.S.C. 1681-1688

WAC 392-190-058 Sexual harassment

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

2024 Title IX Regulations at 34 C.F.R. 106 et seq

RCW 49.60 Washington Law Against Discrimination

WAC 162-32-040 Harassment

Cross References

3210 - Nondiscrimination

3211 - Gender-Inclusive Schools

3421 - Child Abuse and Neglect

5010 - Nondiscrimination and Affirmative Action

5012 - Parental, Family, or Marital Status, and Pregnancy or Related Conditions of Staff

Management Resources

2015 - July Policy Alert

2014 - December Issue

2010 - October Issue

2022 - June June

Updates Chart:

Additions Chart:

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Policy: 3205P1
Section: 3000 - Students

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

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

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

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

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

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

- Dr. Lisa Cadero-Smith, Assistant Superintendent of K-12 Education
- Address: 107 First Street North, PO Box 476, Yelm, WA 98597
- Website: https://www.ycs.wednet.edu/departments/office-of-student-learning
- Phone: 360-458-6120

I. General Definitions

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

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

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

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

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

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

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

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

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

II. Responding to Notice or Report of Sex Discrimination

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

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

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

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

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

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

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

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

A. Supportive Measures

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

At the time that supportive measures are offered, if a complaint has not been filed, the district will provide written notice that the Complainant may file a complaint with the district at any time. The administrator will

work with a party to ensure that their wishes are considered with respect to any planned and implemented supportive measures.

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

1. **Providing Supportive Measures**

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

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

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

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

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

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

2. **Privacy and Supportive Measures**

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

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

The following are other exceptions that may apply:

1. A person with the legal right to consent to the disclosure provides written consent.

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

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

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

3. District Modification or Termination of Supportive Measures

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

4. Opportunity for Modification or Reversal of Supportive Measures

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

If either party wants to modify or reverse the district's decision to provide, deny, modify, or terminate supportive measures applicable to them, they may request an opportunity for modification or reversal from the Title IX Coordinator or Designee.

B. Title IX Coordinator Determinations and Explanation of Applicable Policies

1. Who Can File Under this Procedure

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

- a person who meets the definition of "Complainant" above,
- a parent, guardian, or other authorized legal representative of the Complainant,
- or the Title IX Coordinator
-

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

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

If an individual wishes to file a sex-based discrimination complaint, but does not fit this definition, they should use the process for students at Procedure 3210P Nondiscrimination or the process for employees or applicants at Procedure 5010P Nondiscrimination and Affirmative Action.

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

2. Determining What Procedure Applies

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

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

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

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

C. Other Considerations

1. Students with Disabilities

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

2. Discipline Prohibit Until Determination

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

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

The district may remove a student Respondent from school on an emergency basis consistent with Policy and Procedure 3241/3241P Student Discipline and the associated student discipline regulations for emergency expulsion *provided* that the district:
(1) undertakes an individualized safety and risk analysis,
(2) determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal, and
(3) provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

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

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

IV. Informal Resolution

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

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

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

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

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

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

1. the allegations,
2. the requirements for the process,
3. the right to withdraw from the process and to start or continue the grievance process (described in Section V) any time prior to reaching agreement,
4. if a resolution agreement is reached the parties will be prevented from start or continuing the grievance process of the same allegations,
5. potential terms that can be requested or offered, include but are not limited to restrictions on contact or participation in programs, activities, attendance at specific events, and
6. notice that any agreement is only binding on the parties.

A. **Accepted Responsibility by the Respondent**

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

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

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

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

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

B. **Informal Resolution Between the Parties**

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

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

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

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

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

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

- If no complaint was filed, the Title IX Coordinator will provide written notice to the parties and remind the Complainant of the right to file a complaint.

- If a complaint was filed and the Complainant has not withdrawn the entire complaint in writing, the Title IX Coordinator will provide the parties with written notice that the complaint, in whole or part, will be investigated and a determination issued under Section V.G of this procedure.

C. Mediation with the District for Complaints of General Discrimination

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

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

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

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

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

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

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

V. Grievance/Complaint Procedure

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

1. Equitable Treatment and No Conflicts of Interest or Bias

The district will treat Complainants and Respondents equitably.

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

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

2. **Extension of Timeframes**

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

3. **Privacy and Personally Identifiable Information**

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

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

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

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

4. **Prohibition of Retaliation**

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

5. **Credibility Determinations**

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

6. **Relevant Evidence**

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

7. **Impermissible Evidence**

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

- Evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the

party or witness unless the district obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and

- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex-based harassment or preclude a determination that sex-based harassment occurred.

B. Grievance/Complaint Process when a Complaint is Received

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

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

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

C. Dismissal of a Complaint

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

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

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

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

- Chris Woods, Superintendent
- Address: 107 First Street North, PO Box 476, Yelm, WA 98597
- Website: https://www.ycs.wednet.edu
- Phone: 360-458-1900

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

- procedural irregularity that would change the outcome,

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

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

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

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

D. **Dismissal Appeal Process**

If the dismissal is appealed, the district will use the Level One Appeal Process.

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

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

E. **Notice of Allegations:**

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

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

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

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

F. Investigation:

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

1. Time for Investigation

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

2. Standard of Proof

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

3. Investigation Requirements

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

The investigation of a sex discrimination complaint must:

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

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

4. Witness' and Parties' Rights

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

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

5. Review of Evidence Prior to Determination

At least ten (10) days prior to a determination regarding responsibility, the district shall provide the parties with a report that provides equal written notice as to the findings of the investigation and provides a fair

summary of any relevant evidence that is directly related to the allegations raised in the complaint and obtained as part of the investigation. The notice shall inform the parties that:

- The report findings will be provided to the decision maker.
- They are being given an accurate description of the evidence and, upon request, they have an equal opportunity to inspect and review relevant and not otherwise impermissible evidence.
- They have ten (10) days from receipt of the notice to review the description of the evidence, request to review the evidence, and submit a written response for the decision maker to consider prior to making a decision.
- Both parties are being given an equal opportunity to ask specific, relevant questions about the evidence or identify areas where they believe further investigation is necessary.
- The decision maker may also question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination prior to issuing their determination.
- Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant unless they are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant or unless they concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

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

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

G. **Level One – Superintendent's or Designee's Response and Decision**

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

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

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

1. **Determination of Whether Sex Discrimination Occurred**

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

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

- Identification of the allegations potentially constituting sex discrimination under Title IX regulations;
- Findings supporting the determination;
- An application of the district's policy prohibiting sex discrimination to the facts and a statement of conclusion as to whether a preponderance of the evidence substantiated that the Complainant was subjected to sex discrimination;

- If sex discrimination was substantiated, then the decision must also include a determination regarding responsibility, any disciplinary or other sanctions imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the Complainant; and the corrective measures the district deems necessary, including assurance that the district will take steps to prevent recurrence and remedy its effects on the Complainant and others, if appropriate; and
- Notice of the parties' right to appeal to the school board and the necessary filing information.

At the time the district responds to the parties, the district must send a copy of the response to the Office of the Superintendent of Public Instruction (OSPI).
Any corrective measures deemed necessary will be instituted as quickly as possible, but in no event more than thirty (30) days after the Superintendent or Designee mailed a written decision unless a student is appealing the imposition of discipline and the district is barred by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded.

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

2. Disciplinary Sanctions and Remedies

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

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

Remedies may include but are not limited to:

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

H. Level Two – Appeal to the Board of Directors

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

1. Notice of Appeal and Hearing

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

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

2. **Appeal decision maker**

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

The board may delegate its authority for the hearing to an individual or group. The board must ensure that the appeal hearing officer did not take part in the investigation or dismissal of the complaint.

3. **The Appeal/Hearing Process**

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

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

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

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

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

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

A complaint must be in writing and include:

1) A description of the specific acts, conditions, or circumstances alleged to violate applicable anti-discrimination laws;

2) The name and contact information, including address, of the Complainant;

3) The name and address of the District subject to the complaint;

4) A copy of the district's complaint and appeal decision, if any; and

5) A proposed resolution of the complaint or relief requested.

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

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

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

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

J. **Level Four - Administrative Hearing**

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

VI. Definitions of Prohibited Conduct

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

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

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

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

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

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

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

- pregnancy or related conditions,
- sexual orientation, and
- gender identity.

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

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

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

   Because students and employees can experience the continuing effects of off-campus harassment in the educational setting, the district will consider the effects of off-campus conduct when evaluating whether there is a hostile environment on campus. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
   1. The degree to which the conduct affected the Complainant's ability to access the recipient's education program or activity;
   2. The type, frequency, and duration of the conduct;
   3. The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
   4. The location of the conduct and the context in which the conduct occurred; and
   5. Other sex-based harassment in the recipient's education program or activity.

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

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

   b. **Fondling:**
      -
      - The touching of the private body parts of the Complainant (buttocks, groin, breasts) by the Respondent,
      - for the purpose of sexual gratification,
      - without the consent of the Complainant,
      - including instances where the Complainant is incapable of giving consent because of their age or because of a temporary or permanent mental or physical incapacity.

   c. **Sodomy**

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

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

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

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

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

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

9. **"Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:**
    -
        - Fear for the person's safety or the safety of others; or
        - Suffer substantial emotional distress.

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

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

D. **"Retaliation" means intimidation, threats, coercion, or discrimination**

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

VII. Other Complaint Options

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

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

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

Washington State Human Rights Commission (WSHRC)

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

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

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

Last Revised: **July 31, 2024**
Classification: **Essential**
Prior Revised Dates: **08.06; 10.11; 03.14; 01.15; 07/01/2015;08/20/2020; 09/03/2020; 06/29/2022, 11/13/2023**

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Policy: 3205P2
Section: 3000 - Students

Sex Discrimination and Sex-Based Harassment Prohibited - Implementation

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

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

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

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

- **I. District Notice and Information**

Publication of Notices
Information about the policy and procedure will be clearly stated and:

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

Such notices will:

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

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

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

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

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

Students will be provided with age-appropriate information on the recognition and prevention of sexual harassment and their rights and responsibilities under this and other district policies and rules at student orientation sessions and on other appropriate occasions, which may include parents.
As part of the information on the recognition and prevention of sexual harassment staff, volunteers, students and parents will be informed that sexual harassment may include, but is not limited to:

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

- **II.** The Title IX Team

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

A. Roles of Members of the Title IX Team

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

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

The district's Title IX Coordinator can be reached at:

- Dr. Lisa Cadero-Smith, Assistant Superintendent of K-12 Education
- Address: 107 First Street North, PO Box 476, Yelm, WA 98597
- Website: https://www.ycs.wednet.edu/departments/office-of-student-learning
- Phone: 360-458-6120

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

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

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

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

The appeal decisionmaker will be an individual or group of individuals who are impartial and do not have any conflicts or bias for any of the parties.

B. Training for the Title IX Team

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

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

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

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

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

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

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

III. Compliance Responsibilities

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

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

The Title IX Coordinator or designee will ensure the district has a process for facilitation of supportive measures for all students, staff, and people attempting to enroll or participate in district programs that report sex discrimination. In addition to the Title IX Coordinator or designee, the process for supportive

measures will include another district employee who is not a subordinate of the Title IX Coordinator or designee to address requests for rescinding or modifying supportive measures.

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

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

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

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

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

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

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

1. The Complainant's request not to proceed with a complaint;
2. The Complainant's reasonable safety concerns regarding a complaint;
3. The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
4. The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
5. The age and relationship of the parties, including whether the Respondent is an employee of the recipient;
6. The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
7. The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
8. Whether the district could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures under Procedure 3205P.1.

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

When there has been a determination of responsibility for sex discrimination, the Title IX Coordinator or a designee will ensure that any corrective measures and remedial actions deemed necessary will be instituted as quickly as possible, but in no event more than thirty (30) days after the Superintendent mailed a written decision unless a student is appealing the imposition of discipline and the district is barred by due process

considerations or a lawful order from imposing the discipline until the appeal process is concluded. Staff may also pursue complaints through the appropriate collective bargaining agreement process or anti-discrimination policy.

IV. District Staff Responsibilities

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

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

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

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

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

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

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

V. District Training and Orientation Requirements

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

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

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

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

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

- **VI. Investigation Recordkeeping**

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

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

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

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

Adoption Date: **July 31, 2024**

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Policy: 3205
Section: 3000 - Students

Sex Discrimination and Sex-Based Harassment of Students Prohibited

The district is committed to a positive and productive education free from discrimination. The district does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Federal and State laws. This commitment extends to all students involved in academic, educational, extracurricular, athletic, and other programs or activities of the school, whether that program or activity is in a school facility, on school transportation, or at a class or school training held elsewhere.

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

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

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

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

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

The term "sexual harassment" includes the following, which Title IX defines at 34 C.F.R. § 106.2:

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

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

a. Submission to that conduct or communication is condition of obtaining an education or
b. a factor in decisions affecting that individual's education; or
c. the conduct or communication has the purpose or effect of substantially interfering with an individual's educational performance or of creating an intimidating, hostile, or offensive educational environment.

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

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

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

The district has also developed other specific, related policies for students to comply with its obligations under State and Federal laws, including nondiscrimination (Policy 3210), gender-inclusive schools (Policy 3211), district employees (Policy 5011), to comply with its obligations under State and Federal laws, including Title IX, and to create inclusive and welcoming school-communities.

Investigation and Response
The Superintendent or designee will develop and implement procedures for receiving, investigating, and resolving complaints or reports of sex discrimination and will include reasonable and prompt timelines and delineate roles and responsibilities for such. The procedure can be found at 3205P.1.

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

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

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

Retaliation and False Allegations
It is a violation of this policy to engage in retaliation, as defined under Federal and State laws and the Superintendent's procedure, including retaliation by a student against another student, and will result in appropriate discipline. The district will take appropriate actions to protect involved persons from retaliation.

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

Staff Responsibilities and Training
The Superintendent will develop and implement a procedure that identifies the roles, responsibilities, and training requirements of the Title IX Coordinator and other district employees.

The Superintendent will also develop materials to provide age-appropriate information and education to district staff, students, parents, and volunteers regarding this policy and the recognition and prevention of sex-based harassment. The procedures can be found at 3205P.2.

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

This policy and the procedure, which includes the complaint process, will be conspicuously posted in each district building in a place accessible to staff, students, parents, volunteers, and visitors. Information about the policy and procedure will be clearly stated and posted throughout each school building, provided to each

employee, and reproduced in each student, staff, volunteer, and parent handbook. Such notices will identify the district's Title IX coordinator and provide contact information, including the coordinator's email address.

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

Cross References:	3207 - Prohibition of Harassment, Intimidation, and Bullying of Students 3210 - Nondiscrimination 3211 - Gender-Inclusive Schools 3241 - Student Discipline 5010 - Nondiscrimination and Affirmative Action 5011 - Sex

	Discrimination and Sex-Based Harassment of District Staff Prohibited
Legal References:	RCW 49.60 Washington Law Against Discrimination 2024 Title IX Regulations at 34 C.F.R. □□ 106 et seq. 20 U.S.C. □□□□ 1681-1688 WAC 392-190-058 Sexual harassment RCW 28A.640.

	020 Regulations, guidelines to eliminate discrimination □□□ Scope □□□ Sexual harassment policies WAC 162-32-040 Harassment
Management Resources:	2020 - August Issue 2015 - July Policy Alert 2014 - December Issue 2010 - October Issue

Last Revised: **July 31, 2024**
Classification: **Essential**
Prior Revised Dates: **10.11; 12.14; 07/01/2015; 3/2019; 08/20/2020**

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