



ISSAQUAH  
SCHOOL DISTRICT 411

## **District Regulations of Note:**

- 2022: Responsible Use Guidelines Procedure
- 3205: Sexual Harassment of Student Prohibited
- 3207: Prohibition Against Harassment, Intimidation, and Bullying
- 3210: Nondiscrimination (Students)
- 3211: Gender-Inclusive Schools
- 3230: Student Privacy & Searches
- 3231: Student Records
- 3241: Classroom Management, Discipline & Corrective Action
- 3421: Child Abuse, Neglect & Exploitation Prevention
- 4215: Use of Tobacco on District Property
- 4320: Distribution of Materials and Promotions
- 5010: Nondiscrimination and Affirmative Action (Human Resources)
- 5013: Sexual Harassment Prohibited - Personnel, Volunteers and Visitors
- 5201: Drug Free Workplace
- 5207: Prohibition Against Harassment & Intimidation
- 5251: Conflict of Interest
- 5253: Maintaining Professional Staff-Student Boundaries
- 5281: Disciplinary Action & Discharge
- 5282: Civility

2025-26 Human Resources New Hire Orientation



ISSAQUAH  
**SCHOOL DISTRICT 411**

2022

# Responsible Use Guidelines Procedure

The District recognizes that an effective public education system develops students who are globally aware, civically engaged, and capable of managing their lives and careers. The board also believes that students need to be proficient users of information, media, and technology to succeed in a digital world.

Therefore, the District will use electronic resources as a powerful and compelling means for students to learn core subjects and applied skills in relevant and rigorous ways. It is the District's goal to provide students with rich and ample opportunities to use technology for important purposes in schools just as individuals in workplaces and other real-life settings. The District's technology will enable educators and students to communicate, learn, share, collaborate and create, to think and solve problems, to manage their work, and to take ownership of their lives.

In the interest of student safety in the online world, all District schools will provide yearly education for all students in appropriate online behavior on social networking sites, blogs, forums, wikis, chat rooms, and other online venues. In addition each school will educate students on being aware of cyberbullying awareness and how to respond to it.

The Superintendent or designee will create strong electronic educational systems that support innovative teaching and learning, to provide appropriate staff development opportunities and to develop procedures to support this policy.

**Cross References:**

|            |      |                                                                          |
|------------|------|--------------------------------------------------------------------------|
| Regulation | 2120 | Curriculum Development and Adoption of Instructional Materials           |
|            | 2312 | Copyright Compliance                                                     |
|            | 2340 | Classroom Management, Corrective Actions, Punishment Election Activities |
|            | 5255 | Disciplinary Action and Discharge                                        |
|            | 3214 | Harassment, Intimidation and Bullying                                    |
|            | 4340 | Public Access to District Records                                        |
|            | 3231 | Student Records                                                          |

[Staff Responsible Use of Technology Regulations & Guidelines Handbook](#)

**Legal Reference:**

18 USC §§ 2510-2522      Electronic Communication Privacy Act



**ISSAQUAH**  
**SCHOOL DISTRICT 411**

## **STAFF RESPONSIBLE USE OF TECHNOLOGY GUIDELINES**

*Issaquah School District Staff Responsible Use of Technology  
Regulations & Guidelines Handbook*

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**1. PURPOSE**

Adopted: 09/2015  
Issaquah School District  
Issaquah, Washington

Last Revised: 07/31/2024

1.1 The purpose of DISTRICT Regulations and this *Guidelines Handbook (HANDBOOK)* is to ensure that all use of the Issaquah School District's Educational Technology Resources is legal, ethical and consistent with the aims, values and objectives of the DISTRICT and its responsibilities to the students in its care. The DISTRICT is an institution charged with the safety and education of children. It also has occupational health and safety obligations to employees and students and must comply with State and Federal anti-discrimination and sexual harassment laws. It is thus of paramount importance that its Educational Technology Resources are used appropriately and professionally at all times.

1.2 DISTRICT Educational Technology Resources must be properly and efficiently used. DISTRICT Educational Technology Resources are to be used responsibly and not to be used for inappropriate activities - for example, pornography, fraud, defamation, breach of copyright, unlawful discrimination, harassment, including sexual harassment, stalking, privacy violations and illegal activity, including illegal peer-to-peer file sharing.

## **2. DEFINITIONS AND SCOPE**

2.1 In this *HANDBOOK*–

- (a) “Authorized Person” means the Superintendent of the Issaquah School District, or persons authorized by the Superintendent. At this time, “Authorized Person” includes Director-level positions and building principals.
- (b) “DISTRICT” means the Issaquah School District;
- (c) “DISTRICT Educational Technology Resources” includes but is not limited to all DISTRICT networks, systems, software and hardware including DISTRICT Local Area Networks (LANs), Wide Area Networks (WANs), Wireless Local Area Networks (WLANs), Cloud Storage, Wi-Fi, Intranet, Extranet, Ultranet, DISTRICT email systems, computer systems, software, servers, desktop computers, printers, scanners, portable computers, notebook computers, tablets, mobile phones, portable storage devices including digital cameras and USB memory sticks, hand held devices and other Educational Technology storage devices;
- (d) “Electronic communications” means email, instant messaging and any other material sent electronically;
- (e) “DISTRICT email systems” means any school-based email system established for the purposes of school-related communications. DISTRICT email systems are part of DISTRICT Educational Technology Resources;
- (f) “Malware” is an abbreviation of “malicious software” and means software programs designed to cause damage and other unwanted actions on a computer system. Common examples include computer viruses, worms, spyware and Trojans;
- (g) “Peer-to-peer file sharing” (P2P) means the sharing of files between systems on a P2P network. The “peers” of a P2P network are computer systems connected to each other by the Internet. Files can be shared directly between computer systems on the network without the requirement of a central server. An example of illegal P2P file sharing is the sharing of copyrighted files without the authorization of the copyright owner, for

example, copyrighted film and music files. At this time, the DISTRICT does not allow P2P use as a part of DISTRICT Educational Technology Resources;

- (h) "Personal use" means all non-work related use, and includes internet usage and private emails;
- (i) "Users" of DISTRICT Educational Technology Resources includes all employees, i.e. persons employed by the DISTRICT. It also includes all contractors and volunteers engaged by the DISTRICT, School Board, schools, regional offices or DISTRICT offices who use DISTRICT Educational Technology Resources.

### **ACCEPTABLE USE**

2.2 This *HANDBOOK* applies to all users of DISTRICT Educational Technology Resources regardless of work location and applies to all aspects of use of all DISTRICT Educational Technology Resources, which can include:

- (a) Publishing and browsing on the internet;
- (b) Downloading or accessing files from the internet or other electronic sources;
- (c) Email;
- (d) Electronic bulletins/notice boards;
- (e) Electronic discussion/news groups;
- (f) Weblogs ("blogs");
- (g) Social networking;
- (h) File transfer;
- (i) File storage;
- (j) File sharing;
- (k) Video conferencing;
- (l) Streaming media;
- (m) Instant messaging;
- (n) Online discussion groups and "chat" facilities;
- (o) Subscriptions to list servers, mailing lists or other like services;
- (p) Copying, saving or distributing files;
- (q) Viewing material electronically;
- (r) Use of Artificial Intelligence (AI) tools; and
- (s) Printing material.

### **3. RATIONALE**

3.1 The use of DISTRICT Educational Technology Resources carries with it responsibilities. Users must at all times remember that when using DISTRICT Educational Technology Resources, they are using Educational Technology Resources provided to them for business and educational purposes only.

3.2 The provision of Educational Technology Resources by the DISTRICT is intended to improve and enhance learning and teaching, and to conduct the business and functions of the

DISTRICT. Using information technology, accessing information, and communicating electronically can be cost-effective, timely and efficient. It is essential that use of this valuable resource be managed to ensure that it is used in an appropriate and productive manner.

3.3 The process by which the DISTRICT seeks to manage staff use of DISTRICT Educational Technology Resources is through the development and implementation of this *HANDBOOK*. The *HANDBOOK* must be followed whenever using DISTRICT Educational Technology Resources.

#### **4. RESPONSIBILITY**

4.1 The DISTRICT is responsible for ensuring that the persons to whom this *HANDBOOK* applies are aware of it. This may include, but is not limited to:

- (a) Providing access to a copy of the *HANDBOOK*, for example, on the DISTRICT website;
- (b) Reminders of the need for compliance with DISTRICT Regulations and the *HANDBOOK*; and
- (c) Providing notice of updates or developments of the Regulations and *HANDBOOK*.

4.2 It is the responsibility of all users to abide by DISTRICT Regulations and this *HANDBOOK*.

#### **5. NON-COMPLIANCE**

5.1 Inappropriate use of DISTRICT Educational Technology Resources is assessed on a more-likely-than-not standard. Substantiated non-compliance with District Regulations or this *HANDBOOK* may constitute the following:

- (a) Breach of employment obligations;
- (b) Serious misconduct;
- (c) Sexual harassment;
- (d) Unlawful discrimination;
- (e) A crime;
- (f) A threat to the security of DISTRICT Educational Technology Resources ;
- (g) An infringement of the privacy of students, staff, and other persons; and/or
- (h) Exposure to legal liability.

5.2 Substantiated non-compliance with DISTRICT Regulations will be regarded as a serious matter and appropriate action, including termination of employment, may be taken.

5.3 Where there is a reasonable belief that illegal activity may have occurred, the DISTRICT may report the suspected illegal activity to law enforcement. This clause supplements individual staff members' mandatory reporting obligations.

## **6. DISTRICT PURPOSES AND OTHER USE**

### **6.1 Use of DISTRICT Educational Technology Resources must –**

- (a) Be for DISTRICT purposes only, or where authorized or required by law, or with the express permission of an Authorized Person; and
- (b) Comply with Board Policy, DISTRICT Regulations, and this *HANDBOOK*, as well as applicable Federal and State requirements.

6.2 Notwithstanding clause 6.1(a), users of DISTRICT Educational Technology Resources may use DISTRICT Educational Technology Resources for personal use provided the use is not excessive and does not breach DISTRICT Regulations or this *HANDBOOK*. Users must not engage in excessive personal use of DISTRICT Educational Technology Resources during working hours as indicated in Section 20. Users must not engage in excessive personal use of DISTRICT email systems or the internet using DISTRICT networks outside working hours. A breach of either of these constitutes a failure to abide by the responsible use guidelines in the *HANDBOOK*. In using DISTRICT Educational Technology Resources for personal use, users should be aware that the provisions that apply to access and monitoring of DISTRICT Educational Technology Resources apply to personal use as well.

### **6.3 Subject to limited personal use in accordance with 6.2:**

- (a) Subscribing to mailing lists and other like services using DISTRICT Educational Technology Resources must be for DISTRICT purposes or professional development reasons only; and
- (b) Social networking, online conferences, discussion groups or other similar services or tools using DISTRICT Educational Technology Resources must be relevant and used only for DISTRICT purposes or professional development activities. When using such tools, all DISTRICT Educational Technology users must conduct themselves professionally and appropriately.

6.4 Provided that use is not unlawful, offensive or otherwise improper, users are allowed reasonable access to electronic communications using DISTRICT Educational Technology Resources to facilitate communication between employees and their representatives, which may include a union, on matters pertaining to the employer/employee relationship.

6.5 Large data downloads or transmissions should be minimized to ensure the performance of DISTRICT Educational Technology Resources for other users is not adversely affected. At a minimum, any such downloads or transmissions should occur when school is not in session. Where a user needs to download or transmit large data, they should contact the office of the Director of IT Infrastructure for assistance in completing this task. Where a user has caused DISTRICT to incur costs for excessive downloading of non-work related material in breach of this Regulation, DISTRICT may seek reimbursement or compensation from the user for all or part of these costs.

6.6 In accordance with DISTRICT Regulations and procedures, students and staff may use personal electronic devices (e.g. laptops, mobile devices, and e-readers) to further the

educational and research mission of the DISTRICT. School staff shall retain the final authority in deciding when and how students may use personal electronic devices on school grounds and during the school day. Absent a specific and articulated need (e.g. assistive technology), students do not have an absolute right to possess or use personal electronic devices at school.

## **7. DISTRICT PROPERTY**

7.1 Electronic communications created, sent or received using DISTRICT email systems are the property of the DISTRICT, and may be accessed by an Authorized Person in the case of an investigation, including in relation to investigations following a complaint or investigations into misconduct. Electronic communications may also be subject to discovery in litigation and criminal investigations. All information produced on computer, including emails, and text messages may be accessible under the Public Records Act. Please note that emails may be retrieved from back-up systems and that employees and the authors of electronic communications have been held liable for messages sent in the past.

## **8. ACCESS AND MONITORING**

8.1 DISTRICT Educational Technology Resources may be accessed or monitored by Authorized Persons at any time without notice to the user. This includes, but is not limited to, use of DISTRICT email systems and other electronic documents and records. However, Authorized Persons must have a valid reason for accessing or monitoring use of DISTRICT Educational Technology Resources in accordance with clause 8.3.

8.2 Before accessing or monitoring DISTRICT email systems, an Authorized Person is required to contact the Director of IT Infrastructure to inform him/her of the proposed access.

8.3 Authorized Persons may access or monitor the records of DISTRICT Educational Technology Resources for operational, maintenance, compliance, auditing, legal, security or investigative purposes. For example, electronic communications sent, received or forwarded using DISTRICT Educational Technology Resources may be accessed, and logs of websites visited using DISTRICT Educational Technology Resources may be generated, examined, and monitored.

8.4 Authorized Persons may require the assistance of a systems administrator to gain access to records held within DISTRICT Educational Technology Resources such as electronic documents, communications or website logs of users. In such cases, the systems administrator will not be in breach of this Regulation simply by reason of following the instructions of an Authorized Person.

8.5 If, at any time, a systems administrator discovers any inappropriate use of DISTRICT Educational Technology Resources, they must report their concerns to the Director of IT Infrastructure or, in his/her absence, the Director of Educational Technology and/or the Superintendent.

8.6 Use of DISTRICT Educational Technology Resources constitutes the user's consent to access by a supervisor or designee of the Superintendent and monitoring in accordance with DISTRICT Regulations and this *HANDBOOK*.

8.7 If at any time there is a reasonable belief that DISTRICT Educational Technology Resources are being used in breach of DISTRICT Regulations and this *HANDBOOK*, the principal or supervisor of the person who is suspected of using DISTRICT Educational Technology Resources inappropriately may suspend that person's use of DISTRICT Educational Technology Resources and may require that the equipment being used by the person be secured while the suspected breach is being investigated. In advance of any such suspension, the principal or supervisor should attempt to inform the Director of IT Infrastructure and Director of Educational Technology.

8.8 Nothing in DISTRICT Regulations or this *HANDBOOK* prevents DISTRICT Information Technology personnel or other authorized DISTRICT agents from monitoring DISTRICT Educational Technology Resources in order to support the functioning and performance of the DISTRICT's information systems.

8.9 The DISTRICT reserves the right to monitor, without prior notice, information about the content and usage of the DISTRICT network, including when accessed on students' personal electronic devices and on devices provided by the DISTRICT, such as laptops, netbooks, and tablets.

## **9. DEFAMATION**

9.1 DISTRICT Educational Technology Resources must not be used to send material that defames an individual, organization, association, company, or business. The consequences of disseminating defamatory information may be severe and give rise to personal and/or DISTRICT liability. The DISTRICT cautions that any electronic communications that may include defamatory information may be easily copied, forwarded, saved, intercepted or archived. The audience of an electronic message containing defamatory information may be unexpected and widespread.

## **10. COPYRIGHT INFRINGEMENT**

10.1 Copyrighted material of third parties (e.g. software, database files, documentation, cartoons, articles, graphic files, music files, video files, text, and downloaded information) must not be used (e.g. downloaded, posted to Staff Hub or District intranet, copied, duplicated, or distributed, uploaded to a generative AI system where content may be used in the AI training database without authorization to do so. The ability to forward and distribute electronic messages and attachments and to share files greatly increases the risk of copyright infringement. Copying material to a hard disk or removable disk, printing, distributing, or sharing copyrighted material by electronic means, may give rise to personal and/or DISTRICT liability, despite the belief that the use of such material was permitted.

10.2 The DISTRICT supports the rights of copyright owners and does not and will not tolerate reckless or deliberate copyright infringement.

10.3 All users of DISTRICT Educational Technology Resources should ensure they are familiar with copyright guidelines and the terms of use for materials not owned by the DISTRICT.

## **11. ILLEGAL USE AND MATERIAL**

11.1 DISTRICT Educational Technology Resources must not be used in any manner that contravenes or is likely to contravene the law. Any suspected offender will be referred as appropriate to any external relevant agency, including law enforcement, and their employment may also be terminated.

11.2 Certain inappropriate, unauthorized, and non-work-related use of DISTRICT Educational Technology Resources may constitute a criminal offense (e.g. computer “hacking” and the distribution of computer viruses).

11.3 Illegal or unlawful use of DISTRICT Educational Technology Resources includes, but is not limited to the following: use of certain types of pornography (e.g. child pornography); disseminating defamatory material; disseminating material that could constitute racial or religious vilification; disseminating unlawfully discriminatory material; stalking; blackmail and threats; use which breaches copyright laws; fraudulent activity; computer crimes; and other computer offenses.

11.4 The DISTRICT is an institution charged with the safety and education of children. Child pornography represents the antithesis of the DISTRICT’s responsibilities to children. Any suspected offender will be referred to the Office of Professional Practice at OSPI and the police, and termination of their employment will likely be considered if the allegations are substantiated.

## **12. OFFENSIVE OR INAPPROPRIATE MATERIAL**

12.1 Use of DISTRICT Educational Technology Resources must be appropriate to a workplace and educational environment. This includes, but is not limited to, the content of all electronic communications, whether sent internally or externally.

12.2 DISTRICT Educational Technology Resources must not be used for material that is pornographic, harassing, hateful, racist, sexist, abusive, obscene, discriminatory, offensive, or threatening. This includes sexually-oriented messages or images and messages that could constitute sexual harassment.

12.3 All users of DISTRICT Educational Technology Resources should be familiar with DISTRICT anti-discrimination, equal opportunity, harassment intimidation and bullying (HIB), and harassment Regulations.

12.4 Users of DISTRICT Educational Technology Resources who receive unsolicited offensive or inappropriate material electronically should delete it immediately. Offensive or inappropriate material received from people known to the receiver should be deleted immediately and the sender of the material should be asked to refrain from sending such material again. In particularly offensive or inappropriate instances, the receiver should report the conduct to their supervisor. Such material must not be forwarded internally or externally or saved onto DISTRICT Educational Technology Resources except where the material is required for the purposes of investigating a breach of DISTRICT Regulations or this *HANDBOOK*.

12.5 Any publicly visible Wi-Fi network emanating from DISTRICT Educational Technology Resources shall be appropriately named. Similarly, any staff who maintain a publicly visible Wi-Fi network from a personal device shall disable such a Wi-Fi network hotspot while on DISTRICT property or when working with students. At this time, personal device Wi-Fi networks are not authorized as a part of DISTRICT Educational Technology Resources. In addition, it is recommended as a part of personal responsible use that any such personal Wi-Fi hotspot, even when disabled, be appropriately named and remain appropriately secure at all times when interaction with students, other staff, parents, or community partners may occur.

### **13. CONFIDENTIALITY AND PRIVACY**

13.1 Electronic communication is not a secure means of communication. While every attempt is made to ensure the security of DISTRICT Educational Technology Resources, users must be aware that this security is not guaranteed, particularly when communicated to an external party. The sender should consider the confidentiality of the material they intend to send when choosing the appropriate means of communication.

13.2 DISTRICT will handle any personal staff or student information collected through the use of DISTRICT Educational Technology Resources in accordance with State and Federal laws, including the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99).

13.3 Staff may have access to a wide range of personal information and data, held in digital format or on hardcopy records. This will include:

- (a) Personal information about students, members of staff/volunteers, and parents and guardians, including names, addresses, contact details, legal guardianship/contact details, health records, and disciplinary records.
- (b) Professional records (e.g. employment history), taxation and national insurance records, appraisal records, and references.
- (c) Any other information that might be disclosed by parents/guardians or by other agencies working with families.

13.4 It is the responsibility of all staff to take care when handling, using, or transferring personal data that it cannot be accessed by anyone who does not have permission to access that data or does not need to have access to that data. Additionally, personal information should not be included in data used within an open generative AI system. Anyone who has access to personal data must know, understand, and adhere to this Regulation. This includes any personal staff or student information that may be stored on mobile devices for professional use.

13.5 Every effort will be made to ensure that information is accurate and up-to-date, and if staff is aware of inaccuracies, the DISTRICT's intent is that they are corrected without unnecessary delay.

13.6 The DISTRICT will not disclose the content of electronic communications created, sent, or received using DISTRICT Educational Technology Resources to third parties outside of the

DISTRICT unless that disclosure is required for the purposes of a DISTRICT investigation, a police investigation, other legal, investigative, audit or compliance reasons, or in other circumstances where that disclosure is mandated under Washington State's Public Records Act. Staff should remain aware that DISTRICT or student records maintained on personal devices, including email, may be subject to disclosure under Washington State's Public Records Act.

#### **14. MALWARE**

14.1 Electronic and web communications are potential delivery systems for computer malware. All data, programs, and files which are downloaded electronically or attached to messages should be scanned by an anti-virus program before being launched, opened, or accessed.

14.2 Malware has the potential to seriously damage DISTRICT Educational Technology Resources. Do not open any attachments or click on any links embedded in an email unless you have confidence in the identity of the sender.

#### **15. ATTRIBUTION**

15.1 There is always a risk of false attribution of breaches. It is possible that communications may be modified to reflect a false message, sender, or recipient. In these instances an individual may be unaware that he or she is communicating with an impostor or receiving fraudulent information. If a user has a concern about the contents of a message received or the identity of the publisher of the electronic information, action should be taken to verify their identity by other means. If a user believes an electronic communication has been intercepted or modified, the Director of IT Infrastructure should be informed.

#### **16. PASSWORDS & HARDWARE SECURITY**

16.1 Users are accountable for all use of DISTRICT Educational Technology Resources that have been made available to them or leased to them for work purposes and for all use of DISTRICT Educational Technology Resources performed with their user identification.

16.2 Users must maintain full supervision and physical control of DISTRICT Educational Technology Resources, including notebook computers, at all times. When not in use, DISTRICT Educational Technology Resources should be physically secure as well as secured by password.

16.3 User identification and passwords must be kept secure and confidential.

16.4 Passwords must be in approved format of at least eight (8) characters and include a combination of any 3 of: upper case letters, numbers, special characters. Passwords must be changed every three (3) months at minimum to preserve DISTRICT Educational Technology Resources' integrity and security.

16.5 Users must not allow or facilitate unauthorized access to DISTRICT Educational Technology Resources through the disclosure or sharing of passwords or other information designed for security purposes, unless it is generic to a person in the position of a substitute. However, this exception shall not be extended to DISTRICT students for any reason.

16.6 Active sessions are to be terminated when access is no longer required, and computers are to be secured by password when not in use.

16.7 Personal/non-district devices may only be connected to the district's wireless network - i.e. are not permitted hard-wired connection to ISD's ethernet network for security purposes.

## **17. MASS DISTRIBUTION AND "SPAM"**

17.1 The use of DISTRICT Educational Technology Resources for sending "junk mail," for-profit messages, or chain letters is strictly prohibited. Mass electronic communications should only be sent in accordance with normal procedures. The use of electronic communications for sending unsolicited commercial electronic messages ("Spam") is strictly prohibited.

## **18. RECORDS MANAGEMENT**

18.1 Electronic communications are public records and subject to the provisions of the Washington State Public Records Act.

18.2 Record management practices for management of email messages must comply with Regulations and guidelines on recordkeeping and management of electronic communications.

## **19. COMPLAINTS**

19.1 If you wish to make a complaint or report about inappropriate use of DISTRICT Educational Technology Resources, raise it with your principal or supervising administrator, or, if your principal or supervising administrator is the cause of your complaint, raise it with the Director of IT Infrastructure.

## **20. EXCESSIVE PERSONAL USE DURING WORKING HOURS**

20.1 Personal use is inappropriate where it occurs during normal working hours (but excluding the employee's lunch or other official breaks), adversely affects, or could reasonably be expected to adversely affect the performance of the employee's duties, and the use is determined to be more than insignificant.

## **21. DIGITAL CITIZENSHIP INSTRUCTIONAL MATERIALS**

21.1 All students of the DISTRICT are to be educated about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, cyberbullying awareness and response, and password security.

21.2 To foster appropriate digital literacy opportunities for students with DISTRICT Educational Technology Resources and to encourage responsible personal use, a DISTRICT Internet Safety Instructional Materials Committee will consider digital literacy needs and make recommendations to address student and staff needs. The Committee will be co-chaired by the Director of Educational Technology and the Director of IT Infrastructure.

21.3 Staff are responsible for ensuring that:

- (a) They have an up-to-date awareness of the DISTRICT's current technology protocols, DISTRICT Regulations and this *HANDBOOK*.
- (b) They have acknowledged receipt of these guidelines and *HANDBOOK* and that they are to abide by its terms and DISTRICT Regulations.
- (c) They report any suspected misuse or problem to the relevant administrator, particularly where it is believed that a child's welfare is at risk.
- (d) Digital communications with children and young people should be on a professional level and, where possible, only carried out using DISTRICT Educational Technology Resources or approved technology platforms.
- (e) Young people in their care are sufficiently aware of online safety and appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyberbullying awareness and response.
- (f) They are aware of online safety issues, particularly those related to the use of mobile phones, cameras, hand-held devices, and generative AI, and that they monitor their use and follow DISTRICT Regulations with regard to these devices.

## **22. STAFF TRAINING**

22.1 It is essential that all staff and volunteers receive online safety awareness training and understand their responsibilities. Training will be offered as follows:

- (a) A planned program of training about online safety will be made available to staff. This will include establishing awareness of educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, cyberbullying awareness, and response.
- (b) All new staff will receive awareness training as part of their orientation program to ensure that they fully understand DISTRICT online safety expectations, DISTRICT Regulations, and responsible use guidelines.
- (c) An audit of the online safety training needs of all staff will be carried out as deemed by the Director of Educational Technology.
- (d) The DISTRICT IT Department will receive regular updates through attendance at relevant external training events and/or by reviewing guidance documents.

## **23. PROTECTING PROFESSIONAL IDENTITY**

23.1 All staff should consider how their online behavior may affect their own safety and reputation and that of the DISTRICT.

23.2 Communication between adults and between students and adults, by any method, should take place within clear boundaries (See DISTRICT Regulations 2026 – Social Media and 5253 – Maintaining Professional Boundaries). This includes the wider use of technology, such as mobile phones, text messaging, social networks, emails, digital cameras, videos, web-cams, websites, and blogs.

23.3 When using digital communications, staff and volunteers should:

- (a) Only make contact with students for professional reasons and in accordance with DISTRICT Regulation 5253 and professional guidance.
- (b) Not share any personal information with a student (e.g. should not give their personal contact details to students, including email, home or mobile telephone numbers, unless for reasonable supervision needs while on a DISTRICT sponsored Field Trip).
- (c) Not request—or respond to a request for—any personal information from the student, other than that which is appropriate as part of their professional role, or is necessary to protect the safety of a student who is at immediate risk of harm.
- (d) Be aware of and use the appropriate reporting routes available to them if they suspect any of their personal details have been compromised. At this time, the building administrator or Program Director, or Supervisor is the appropriate person to whom such concerns should be reported.
- (e) Ensure that all communications are transparent and open to scrutiny, and be careful in their communications with students so as to avoid any possible misinterpretation or unintended consequences.
- (f) Ensure that if they have personal social networking profiles, details are not shared with their students (making every effort to keep personal and professional online lives separate).
- (g) Not post information online that could bring them or the DISTRICT into disrepute.
- (h) Be aware of the sanctions that may be applied related to conduct determined to constitute professional misconduct.
- (i) Ensure that email, text, or other web-based communications between staff/volunteers and students should (wherever possible) take place using DISTRICT Educational Technology, and if not using DISTRICT technology, then shall include more than one student as a recipient of the information.
- (j) Be aware that utilizing personal technology while connected to DISTRICT Educational Technology Resources or related to staff professional activities can create disclosable public records.
- (k) Remain cognizant of the appearance of impropriety to others where personal communications occur with recent graduates or former students.

23.4 Any communications outside the agreed guidelines may lead to disciplinary and/or criminal investigations. Social networking sites are spaces that young people inhabit and yet many professionals overlook the potential they have. If well managed and used in accordance with the guidance in the previous three paragraphs, social networking sites can bring together young people and professionals, particularly young people that are hard to reach by traditional means. Staff and volunteers should, wherever possible, seek to separate their professional online presence from their online social life and take the following into account when using digital communications:

- (a) Careful consideration should be given as to who should be included as “friends” on social networking sites and which information and photos are available to those friends.
- (b) Privacy settings should be frequently reviewed.
- (c) The amount of personal information visible to those on “friends” lists should be carefully managed and users should be aware that “friends” may still reveal or share this information.
- (d) “Digital footprint” information, including images, posted on the internet may remain there forever. Many people subsequently regret posting information that has become embarrassing or harmful to them.
- (e) A large proportion of employers engage in searches of the internet when selecting candidates and are influenced by the content they find. Research shows that many employers use such searches, but few employees/applicants for jobs realize that they do.

## **24. USE OF DIGITAL AND VIDEO IMAGES**

24.1 The development of digital imaging technologies has created significant benefits, allowing users instant use of images that they have recorded or downloaded from the internet. However, staff/volunteers and students need to be aware of the risks associated with sharing images, posting digital images on the internet, and using digital images in generative AI. Those images may remain available on the internet forever and may cause harm or embarrassment to individuals in the short or longer term.

24.2 When using digital images, staff should raise awareness among students about the risks associated with the taking, use, sharing, publication, altering, and distribution of images. In particular, students should recognize the risks attached to publishing their own images on the internet (e.g. on social networking sites).

24.3 Written permission from parents or guardians and or “Opt Out” under FERPA will be obtained to allow images to be taken of their children and also allowing their use for legitimate activities or for publicity that reasonably celebrates success and promotes the work of the group. Parents or guardians are permitted to take digital/video images of their children at group special events within DISTRICT guidelines. (Such guidelines allow parents to take photos or videos of group events in accordance with parameters from the DISTRICT).

24.4 In general, staff is permitted to take photographs and videos of students for legitimate activities or for publicity that celebrates student success and/or promotes the work of student

groups, teams, or clubs. However, staff must follow DISTRICT Regulations concerning the sharing, distribution, and publication of those images. Staff should also be cautious as certain images created at school or during school activities may constitute educational records and therefore be subject to greater protections under federal and state law. Specifically, staff must obtain written permission from parents or guardians before taking and sharing photographs or videos of students or confirm that such permission has been obtained. At the very least, under FERPA, as long as parents/guardians (and students over the age of 18) are provided (1) general notice that photographs or videos may be published, and (2) an opportunity to “opt out,” images of the student may be posted without the express consent of a parent/guardian. However, each time a staff member seeks to post an image that identifies a student, that staff member should consult their school’s “directory information” list to ensure that a student identified in an image to be posted has not opted out. On this point, staff should be aware that a student’s legal name may not always be consistent with the name that the student prefers or to which the student is colloquially referred.

24.5 Care should be taken when taking digital/video images that students are appropriately dressed and are not participating in activities that might bring the individuals or the group into disrepute or cause embarrassment. If photos are taken, their storage and use must not cause risk or embarrassment. Any photos should not be maintained in storage on personal drives or devices after reasonable opportunity for transfer to DISTRICT Educational Technology Resources.

24.6 Photographs published on DISTRICT websites or elsewhere that include students will be selected carefully and will comply with good educational practice and DISTRICT guidance on the use of such images. The full names of students will not be used anywhere on a website, blog, or particularly in association with photographs, unless professionally appropriate. Consideration should be given to media coverage and journalists should be made aware of this requirement.

24.7 No device or technology shall be covertly used to record audio or video of a staff member, volunteer, student, or parent. This restriction does not restrict the DISTRICT from using video recording equipment, including audio recording, for safety or security purposes.

## **25. OFFICIAL STAFF USE OF SOCIAL MEDIA**

25.1 Social media such as Instagram or X can be an effective communication tool with students and interested parties. Caution is warranted, however, when utilizing social media on behalf of the DISTRICT, and certain safe practices are appropriate.

25.2 In general, staff users of social media should exercise good judgment and caution with respect to whom they “follow” and what they “share or repost” as these actions may reflect the user’s interests in a negative light. Generally, an account can be managed in a fashion that does not require sharing or following. Social media users are under no obligation to follow every person who follows the account. In fact, following people blindly is not recommended. Whomever a social media user chooses to follow can make a powerful statement about interests and influence. There is some etiquette in social media that, if one of your followers is a real-life friend or colleague, it is considered a snub if one does not follow them back. If one really is not interested

in what he/she has to say but politeness dictates the user must follow them, the recommended course is review your settings in the Social Media Account to continue following without sharing/reposting content from the user.

25.3 Where staff create or maintain social media accounts related to the DISTRICT, staff should “follow” only accounts of members of DISTRICT teams, clubs, or other official activities. (e.g. WIAA, KINGCO, etc.). “Following” users who are unaffiliated with official DISTRICT activities may incidentally impute inappropriate, offensive, or otherwise unofficial content to the DISTRICT. The configuration of social media apps, may or may not provide control over what someone will see if they go to followers this may, include photographs and statements in the headline. Some forms of social media, access to third-party generated content deliberately or unintentionally linked via following or accepting contact can create circumstances of concern, or at a minimum, unprofessional impressions of staff. This accessible content can include profanity, inappropriate imagery, as well as other content of concern for the DISTRICT and its educational mission. This should not impede the ability to communicate with followers.

## **26. SUPERVISION OF STUDENTS**

26.1 When using DISTRICT Educational Technology Resources with students, staff shall maintain adequate supervision of students within their zone of responsibility. This zone includes classrooms, libraries, labs, and other facilities depending on the context of student use or educational purpose.

26.2 Staff should establish guidelines for their supervision of student technology resource use. As appropriate, staff should share these guidelines with parents/guardians where students are permitted to access non-DISTRICT Educational Technology Resources for the purpose of communicating with non-DISTRICT staff or students. Such communication includes but is not limited to open communication on social media, Twitter, or blogging or posting dynamic content, such as videos to sharing sites, such as YouTube.

## **27. CHILDREN’S ONLINE PRIVACY PROTECTION ACT (COPPA)**

27.1 COPPA is a federal law that prohibits a website operator from collecting personal information from children under the age of thirteen (13) unless the operator strictly complies with a number of requirements. 15 U.S.C. §§ 6501—6506. These requirements include that the website operator must obtain parental consent prior to the collection or use of personal information from children; provide a reasonable means for a parent to review personal information collected from children; and establish and maintain reasonable procedures to protect the confidentiality, security, and integrity of personal information collected from children. COPPA imposes significant penalties on website operators that fail to comply with these requirements and is enforced by the Federal Trade Commission.

27.2 In order for the DISTRICT to provide students under the age of thirteen with the most effective web-based tools and applications for learning, the DISTRICT utilizes several computer

software applications, web-based services, and websites operated by third parties. Specific processes are in place related to the use of these applications, services, and websites within the infrastructure of the DISTRICT's Educational Technology Resources.

27.3 While the DISTRICT as a public education entity may not be subject to COPPA, each third-party commercial website operator is subject to COPPA, and where the DISTRICT is in any way functioning as an intermediary with students to such a website, caution is warranted. In order for students to use these programs and services, certain personal identifying information -- generally the student's name and email address -- must be provided to the website operator. Where staff desire to use a particular web-based service or website operated by a third party that is outside the infrastructure of the approved DISTRICT'S Technology Resources, they should contact the Director of IT Infrastructure or their Supervisor prior to the initiation of use. Notice should be provided to parents of students under thirteen (13) prior to any use of third-party commercial websites requiring any student registration in advance of such registration. Further, use should be consistent with DISTRICT digital citizenship and cyber-safety instructional materials.

27.4 In order to ensure compliance with COPPA and other relevant federal law regarding confidentiality of student personal information, DISTRICT staff may not assist or encourage students under the age of thirteen (13), or their parents, to circumvent a website's restrictions by having parents create an account in the student's name or falsifying the student's age in order to create an account. In certain instances, the DISTRICT may consent to the collection of personal information on behalf of all of its students, thereby eliminating the need for individual parental consent given directly to a website operator, but this is subject to the configuration of the DISTRICT's Educational Technology Resources.

27.5 If staff have any questions about COPPA and related student use approval, please contact the Executive Director of Teaching and Learning.

## **28. ACCESSIBILITY**

28.1 Federal law prohibits people, on the basis of disability (such as seeing and hearing impairments), from being excluded from participation in, being denied the benefits of, or otherwise being subjected to discrimination by the DISTRICT. To ensure that individuals with disabilities have equal access to DISTRICT programs, activities, or services, the content and functionality of websites associated with the DISTRICT must be accessible. Such websites include, but are not limited to, the DISTRICT's homepage, teacher webpages, Facebook and Twitter pages, class lectures on YouTube, etc.

28.2 Staff with authority to create or modify website content or functionality associated with the DISTRICT shall take reasonable measures to ensure that such content or functionality is accessible to individuals with disabilities. Any such staff member with questions on how to comply with this rule should consult with the DISTRICT Communications Department.

## **29. EDUCATIONAL APPLICATIONS & PROGRAMS**

29.1 Staff may request students to download or sign up for district approved applications (“apps”) or programs on the students’ personal electronic devices using their district email account. Such apps and programs (e.g. Canvas, SeeSaw, Formative, etc.) may help to facilitate lectures, student assessment, communication, and feedback among other things. Staff is responsible to coordinating with

29.2 Prior to requesting students to download or sign up for educational apps or programs, staff shall do the following:

- (a) Review the “terms of use,” “terms of service,” and/or “privacy policy” of each app/program to ensure that such app/program will not compromise students’ personally identifiable information, safety, and privacy.
- (b) Provide notice in writing of potential use of any educational apps/programs to Director of Educational Technology, including the anticipated purpose and any additional concerns.
- (c) Provide notice to students’ parents/guardians that the staff person has requested that students download or sign up for an app/program. Such notice shall include a brief statement on the purpose of the app/program and shall further advise parents/guardians of any known risk to student privacy or safety that may arise from the download or use of the app/program.
- (d) Provide notice to each student regarding the purpose of the app/program and advise each student of any known risk to student privacy or safety that may arise from the download or use of the app/program.

## **30. ARTIFICIAL INTELLIGENCE**

30.1 Artificial Intelligence is a rapidly advancing set of technologies for capturing data to detect patterns and automate decisions. Artificial Intelligence (AI) has become an increasingly important part of our lives, and it is essential for students to understand when and how to use it effectively and ethically. AI tools can enhance classroom learning, and their implementation should be guided with proper training, ethical considerations, and responsible oversight. When utilizing generative AI tools to create or support the creation of texts or creative works, students are expected to adhere to the student responsible use agreement and any additional guidance provided by their classroom teacher.

30.2 The district will seek to maintain staff and student access to generative Artificial Intelligence tools for the following purposes:

- (a) Ensuring all students have equitable access to leverage these technologies, regardless of what learning technology devices may be available to them.

- (b) Providing all students with an opportunity to engage in current technologies in a learning environment, to better prepare them for the world they will live and work in.
- (c) Extending the benefits of these tools to the workplace, where appropriate, to leverage efficiencies and productivity.

30.3 Student and staff use of generative Artificial Intelligence technologies should be used to support and extend student learning and workplace productivity. Staff and student use of AI will be in accordance with the expectations outlined in Policy 2022, **this document (2022P)**, and the **student responsible use agreement**.

30.4 In addition to uses that violate this procedure the following are prohibited uses of Artificial Intelligence:

- (a) Any use of Artificial Intelligence that does not align with expectations outlined by a classroom teacher or building administrator. It is ultimately the teacher's responsibility to determine the appropriate level of use of Artificial Intelligence in each classroom, and for each assignment or project.
- (b) Use of Artificial Intelligence to create misinformation or to misrepresent others which may include harming or bullying groups or individuals.
- (c) Use of open generative Artificial Intelligence with confidential student or staff personal information.

30.5 While the use of generative AI technology is permitted, these tools may provide inaccurate or biased information. Always review and critically assess outputs from AI tools before submission or dissemination. Staff and students should never rely solely on AI-generated content without review.

2025-26 Human Resources New Hire Orientation



# Regulation 3205

## Sexual Harassment of Students Prohibited

## **Sexual Harassment of Students Prohibited**

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

### **Definitions**

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

The term "sexual harassment" may include:

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

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

### **Investigation and Response**

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

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

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

**Retaliation and False Allegations**

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

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

**Staff Responsibilities**

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

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

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

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

**Notice and Training**

The superintendent will develop procedures to provide age-appropriate information and education to district staff, students, parents and volunteers regarding this regulation and the recognition and prevention of sexual harassment. At a minimum sexual harassment recognition and prevention and the elements of this regulation will be included in staff, student, and regular volunteer orientation. This regulation and the procedure, which includes the complaint process, will be posted in each district building in a place available to staff, students, parents, volunteers, and visitors. Information about the regulation and procedure will be clearly stated and conspicuously posted throughout each school building, provided to each employee and reproduced in each student, staff, volunteer, and parent handbook. Such notices will identify the District's Title IX coordinator and provide contact information, including the coordinator's email address.

**Regulation Review**

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

Cross References: 3207 - Prohibition of Harassment, Intimidation, and Bullying  
3210 - Nondiscrimination  
3211 - Gender-Inclusive Schools  
3241 - Student Discipline  
5010 - Nondiscrimination and Affirmative Action  
5013/5013P - Sexual Harassment of District Staff Prohibited

Legal References: 20 U.S.C. 1681-1688  
34 C.F.R. § 106

WAC 392-190-058 Sexual harassment  
RCW 28A.640.020 Regulations, guidelines to eliminate discrimination  
— Scope — Sexual harassment policies

Management            2020 – August Issue  
Resources:            2015 - July Regulation Alert  
                              2014 - December Issue  
                              2010 - October Issue

Adoption Date:  
Classification: **Essential**  
Revised Dates: **10.11; 12.14; 07.15; 08.20**

# **Procedure - Sexual Harassment of Students Prohibited**

## **Procedure Sexual Harassment of Students Prohibited**

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

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

### **Title IX Coordinator, Investigator, and Decision-maker**

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

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

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

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

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

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

incidents of the complainant's prior sexual behavior with respect to the respondent is offered to prove consent.

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

#### **Notice of Sexual Harassment Regulation and Procedure**

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

#### **Responding to Notice of Sexual Harassment**

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

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

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

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

Supportive measures may include:

- An opportunity for the complainant to explain to the alleged harasser that their conduct is unwelcome, offensive or inappropriate, either in writing or face-to-face;
- A statement from a staff member to the alleged harasser that the alleged conduct is not appropriate and could lead to discipline if proven or repeated;
- A general public statement from an administrator in a building reviewing the district sexual harassment regulation without identifying the complainant;
- Developing a safety plan;
- Modifications of work or class schedules;
- Mutual restrictions on contact between the parties;
- Increased security and monitoring of certain areas of the campus or school building, or
- Providing staff and/or student training.

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

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

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

### **Confidentiality**

- The district will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the district to provide the supportive measures.
- If a complainant requests that their name not be revealed to the alleged perpetrator or asks that the district not investigate or seek action against the alleged perpetrator, the request will be forwarded to the **Executive Director of Human Resources** for evaluation.
- The **Executive Director of Human Resources** should inform the complainant that honoring the request may limit its ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator.
- If the complainant still requests that their name not be disclosed to the alleged perpetrator or that the district not investigate or seek action against the alleged perpetrator, the district will need to determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students, staff, and other third parties engaging in district activities, including the person who reported the sexual harassment. Although a complainant's request to have their name withheld may limit the district's ability to respond fully to an individual allegation of sexual harassment, the district will use other appropriate means available to address the sexual harassment.

### **Retaliation**

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

### **Formal Complaint Process**

#### **Level One – Complaint to District**

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

#### **Filing of Complaint**

- All formal complaints will be in writing and will set forth the specific acts, conditions or circumstances alleged to have occurred and to constitute sexual harassment. The Title IX Coordinator may draft the complaint based on the report of the complainant for the complainant to review and approve. The Title IX Coordinator may also conclude that the district needs to conduct an investigation based on information in his or her possession, regardless of the complainant's interest in filing a formal complaint.
- The time period for filing a complaint is one year from the date of the occurrence that is the subject matter of the complaint. However, a complaint filing deadline may not be imposed if

the complainant was prevented from filing due to: 1) Specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint; or 2) Withholding of information that the district was required to provide under WAC 392-190-065 or WAC 392-190-005.

- Complaints may be submitted by mail, fax, e-mail or hand-delivery to the district Title IX Coordinator. Any district employee who receives a complaint that meets these criteria will promptly notify the Coordinator.

### **Determining Whether to Incorporate Additional Title IX Complaint Procedures**

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

Under Title IX, the term “sexual harassment” means:

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

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

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

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

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

## **STANDARD COMPLAINT PROCESS**

### **Acknowledging a Complaint - Standard Complaint Process**

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

### **Investigating a Formal Complaint - Standard Complaint Process**

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

- When the investigation is completed, the investigator will compile a full written report of the complaint and the results of the investigation.

### **Mediation - *Standard Complaint Process***

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

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

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

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

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

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

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

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

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

**STANDARD COMPLAINT PROCESS WITH ADDITIONAL TITLE IX REQUIREMENTS**

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

**Acknowledging a Formal Title IX Complaint**

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

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

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

**Investigation of a Title IX Formal Complaint**

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

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

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

- Include a prompt and thorough investigation into the allegations in the complaint.
- Ensure that the district bears the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility for the alleged sexual harassment. The district may not access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting or assisting in their professional capacity and made and maintained in connection with the provision of treatment to the party unless the district obtains the party’s voluntary, written consent to do so.

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

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

### **Discipline and Emergency Removals for Alleged Sexual Harassment under Title IX**

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

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

### **Title IX Informal Resolution Process**

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

provides the parties with written notice disclosing the allegations, the requirements for the informal resolution process, and the circumstances in which the parties would be precluded from continuing with a formal resolution process for the same allegations.

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

#### **Superintendent's Response to a Formal Title IX Complaint**

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

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

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

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

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

Any corrective measures deemed necessary will be instituted as quickly as possible, but in no event more than thirty (30) days after the superintendent's mailing of a written response, unless the accused is appealing the imposition of discipline and the district is barred by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded. Staff may also pursue complaints through the appropriate collective bargaining agreement process or anti-discrimination regulation.

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

### **Level Two - Appeal to Board of Directors**

### **Notice of Appeal and Hearing**

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

### **Board Decision**

- Unless otherwise agreed to by the complainant, the board will render a written decision within thirty (30) calendar days following the filing of the notice of appeal and provide the complainant with a copy of the decision.
- The written decision will describe the result of the appeal and the rationale for the result.
- The decision will include notice of the complainant's right to appeal to the Superintendent of Public Instruction and will identify where and to whom the appeal must be filed. The district will send a copy of the appeal decision to the office of the superintendent of public instruction.
- The decision will be provided in a language that the complainant can understand, which may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act.

### **Level Three - Complaint to the Superintendent of Public Instruction**

#### **Filing of Complaint**

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

#### **Investigation, Determination and Corrective Action**

- Upon receipt of a complaint, the Office of the Superintendent of Public Instruction may initiate an investigation, which may include conducting an independent on-site review. OSPI may also investigate additional issues related to the complaint that were not included in the initial complaint or appeal to the superintendent or board.
- Following the investigation, OSPI will make an independent determination as to whether the district has failed to comply with RCW 28A.642.010 or Chapter 392-190, WAC and will issue a

written decision to the complainant and the district that addresses each allegation in the complaint and any other noncompliance issues it has identified. The written decision will include corrective actions deemed necessary to correct noncompliance and documentation the district must provide to demonstrate that corrective action has been completed.

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

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

#### **Level Four - Administrative Hearing, State Requirement**

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

#### **Other Complaint Options**

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

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

206-607-1600 | TDD: 1-800-877-8339 | [OCR.Seattle@ed.gov](mailto:OCR.Seattle@ed.gov) | [www.ed.gov/ocr](http://www.ed.gov/ocr)

##### *Washington State Human Rights Commission (WSHRC)*

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

1-800-233-3247 | TTY: 1-800-300-7525 | [www.hum.wa.gov](http://www.hum.wa.gov)

#### **Investigation Recordkeeping**

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

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

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

#### **Training and Orientation**

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

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

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

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

#### **Regulation and Procedure Review**

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

Adoption Date: 8/1/2006

Classification:

Revised Dates: **03.2023**

2025-26 Human Resources New Hire Orientation



ISSAQUAH  
**SCHOOL DISTRICT 411**

## Regulation 3207

# Prohibition Against Harassment, Intimidation, and Bullying

## **Prohibition of Harassment, Intimidation & Bullying – 3207**

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The Board is committed to a safe and civil educational environment for all students and employees that is free from harassment, intimidation, or bullying. As defined in legislation, “Harassment, intimidation or bullying” means any intentional electronic, written, verbal, or physical act including but not limited to, one shown to be motivated by any characteristic in RCW 28A.640.010 and 28A.642.010, or other distinguishing characteristics, when the act:

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

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

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

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

### **Behaviors/Expressions**

This Regulation recognizes that ‘harassment,’ ‘intimidation,’ and ‘bullying’ are separate but related behaviors. Each must be addressed appropriately. The accompanying procedure differentiates the three (3) behaviors, however, this differentiation should not be considered part of the legal definition of these behaviors.

Harassment, intimidation, or bullying can take many forms including, but not limited to, slurs, rumors, jokes, innuendoes, demeaning comments, drawings, cartoons, pranks, gestures, physical attacks, threats or other written, oral, physical or electronically transmitted messages or images.

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

### **Training**

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

### **Prevention**

The District will provide students with strategies aimed at preventing harassment, intimidation, and bullying. In its efforts to train students, the District will seek partnerships with families, law enforcement, and other community agencies.

### **Interventions**

Interventions are designed to remediate the impact on the targeted student(s) and others impacted by the violation, to change the behavior of the aggressor, and to restore a positive academic and social experience at school. The District will consider the frequency of incidents, developmental age of the student, and severity of the conduct in determining intervention strategies. Interventions will range from counseling, correcting behavior and discipline, to law enforcement referrals.

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**Prohibition of Harassment, Intimidation & Bullying – 3207**

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**Students with Individual Education Plans or Section 504 Plans**

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

**Retaliation/False Allegations**

Retaliation is prohibited and will result in appropriate discipline. It is a violation of this Regulation to threaten or harm someone for reporting harassment, intimidation, or bullying, or participating in an investigation.

It is also a violation of this Regulation to knowingly report false allegations of harassment, intimidation, and bullying. Students or employees will not be disciplined for making a report in good faith. However, persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline.

**Compliance Officer**

The superintendent will appoint a compliance officer as the primary District contact to receive copies of all formal and informal complaints and ensure Regulation implementation. The name and contact information for the compliance officer will be communicated throughout the District. The District compliance officer will participate in at least one mandatory training opportunity offered by OSPI.

The superintendent is authorized to direct the implementation of procedures addressing the elements of this Regulation.

**Cross References:**

2161 - Special Education and Related Services for Eligible Students  
3200 - Rights and Responsibilities  
3205 - Sexual Harassment of Students Prohibited  
3210 - Nondiscrimination  
3211 - Gender-Inclusive Schools  
3241 - Student Discipline

**Legal References:**

RCW 28A.600.477 Prohibition of harassment, intimidation, and bullying.  
WAC 392-190-059 Harassment, intimidation and bullying prevention policy and procedure – School districts.

**Management Resources:**

2019 - August Policy Alert  
2019 - July Policy Issue  
Office for Civil Rights Dear Colleague Letter: Responding to Bullying of Students with Disabilities (OCR 10/21/2014)  
2014 - December Issue  
2010 - December Issue  
2008 - April Issue  
2002 - April Issue

## **Prohibition of Harassment, Intimidation and Bullying – 3207P**

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### **A. Introduction**

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

In order to ensure respect and prevent harm, it is a violation of District Regulation for a student to be harassed, intimidated, or bullied by others in the school community, at school sponsored events, or when such actions create a substantial disruption to the educational process. Student(s) will not be harassed because of their race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression, gender identity, mental or physical disability, or other distinguishing characteristics.

Any school staff member who observes, overhears, or otherwise witnesses harassment, intimidation, or bullying of a student or to whom such actions have been reported must take prompt and appropriate action to stop the harassment, intimidation, or bullying, and to prevent its reoccurrence, and report it to the building level administrator and/or district HIB Compliance Officer

### **B. Definitions**

**Aggressor** means a student who harasses, intimidates, or bullies another student.

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

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

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

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

This procedure does not govern harassment, intimidation, or bullying toward or by an employee, volunteer, parent/legal guardian, or community member.

**Retaliation** occurs when a student is intimidated, threatened, coerced, or discriminated against for reporting harassment, intimidation, or bullying, or participating in an investigation, or being identified as a targeted student.

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

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

**Complainant** means the person who has reported the harassment, intimidation, or bullying.

### **C. Behaviors / Expressions**

## **Prohibition of Harassment, Intimidation and Bullying – 3207P**

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"Harassment," "intimidation," and "bullying" are separate but related behaviors. Each must be addressed appropriately. Although this procedure differentiates the three behaviors, this differentiation should not be considered part of the legal definition of these behaviors. RCW 28A.600.477 presents HIB as a broad and inclusive term and it is not meant to place undue emphasis on whether the behavior is "harassment," or "intimidation," or "bullying."

Harassment refers to any malicious act, which causes harm to any person's physical well-being. It can be discriminatory harassment, malicious harassment, or sexual harassment. Intimidation refers to implied or overt threats of physical violence. Bullying refers to unwanted aggressive behavior(s) by another student or group of students that involves an observed or perceived power imbalance and is repeated multiple times or is highly likely to be repeated. Bullying may inflict harm on the targeted student, including physical harm or educational harm. Bullying can also occur through technology and is called electronic bullying or cyberbullying.

It is considered a violation of the state HIB law if any of the above behaviors are occurring

### **D. Relationship to Other Laws**

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

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

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

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

### **E. Prevention**

#### **1. Dissemination**

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

Annually, the superintendent will ensure that language provided by OSPI summarizing the Regulation and procedure is provided in student, staff, volunteer, and parent handbooks, is available in District schools and offices and/or hallways, or is posted on the District's website.

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

#### **2. Education**

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

#### **3. Training**

The District compliance officer will participate in at least one mandatory training

## **Prohibition of Harassment, Intimidation and Bullying – 3207P**

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opportunity offered by OSPI. As feasible, the District's HIB Compliance Officer will attend annual training as a refresher course, particularly in the event that changes to the HIB law or process occur. Staff will receive annual training on the District's Regulation and procedure, including at a minimum, staff roles and responsibilities, and the use of the District's Incident Reporting Form.

#### **4. Prevention Strategies**

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

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

#### **F. Compliance-Officer**

The District compliance officer will:

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

#### **G. Staff Intervention**

All staff members will intervene when witnessing or receiving reports of harassment, intimidation, or bullying of a student. Incidents that do not meet the definition of harassment, intimidation, or bullying, or conduct not directed toward a student may require no further action under this procedure, other than tracking, to ensure they are not repeated.

## **Prohibition of Harassment, Intimidation and Bullying – 3207P**

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### **H. Filing an Incident Reporting Form**

Incident Reporting Forms may be used by students, families, or staff to report incidents of harassment, intimidation or bullying. The District's Incident Reporting Form is available on the District's website: <https://www.isd411.org/about-us/regulations/3000-series/3207/3207f>.

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

### **I. Addressing Harassment, Intimidation, or Bullying – Reports**

#### **Step 1: Filing an Incident Reporting Form**

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

#### **Status of Reporter**

##### **1. Anonymous**

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

##### **2. Confidential**

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

##### **3. Non-confidential**

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

#### **Step 2: Receiving an Incident Reporting Form**

All staff are responsible for receiving oral and written reports. Whenever possible, staff who initially receive an oral or written report of harassment, intimidation, or bullying of a student will attempt to resolve the incident immediately. If the incident is resolved to the satisfaction of the parties involved, or if the incident does not meet the definition of harassment, intimidation, or bullying, or if the conduct is not directed toward a student, no further action may be necessary under this procedure. If the parties involved are not satisfied with the attempt to resolve the situation, the staff member will notify the HIB Compliance Officer, the parties will be provided with a HIB Incident Report form, and given the opportunity to complete the form, thereby initiating the process for an official HIB investigation.

## **Prohibition of Harassment, Intimidation and Bullying – 3207P**

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All reports of unresolved, severe, or persistent harassment, intimidation, or bullying will be recorded on a District Incident Reporting Form and submitted to the principal or designee, once recorded, the principal or designee must communicate with the district HIB Compliance Officer regarding the complaints.

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

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

1. Upon receipt of the Incident Reporting Form that alleges unresolved, severe, or persistent harassment, intimidation, or bullying of a student, the school or District designee will begin the investigation. If there is potential for clear and immediate physical harm to the complainant, the District will immediately contact law enforcement and inform the parent/guardian. The District also will conduct a threat assessment when appropriate (Regulation and procedure 3225).
2. For allegations involving a staff member the Human Resources Department must be involved so union representatives can be notified. These allegations will not be handled under the processes in 3207 and 3207P. Human Resources Departments must include consideration of policy and procedure 3210 – Nondiscrimination of Students, policy and procedure 5010 – Nondiscrimination and Affirmative Action, and other applicable policies and laws, including WAC 392-190-0555. The Human Resources Departments should work with their legal services to determine the appropriate complaint process and response.
3. During the course of the investigation, the District will take reasonable measures to ensure that no further incidents of harassment, intimidation, or bullying occur between the complainant, targeted student and the reported aggressor. If necessary, the District will implement a success plan for the student(s) involved. The plan may include changing seating arrangements for the complainant, targeted student, and/or the reported aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a safe person for the targeted student; altering the reported aggressor's access to the targeted student, and other measures.

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

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

## **Prohibition of Harassment, Intimidation and Bullying – 3207P**

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

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

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

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

### **Step 4: Corrective Measures for the Aggressor**

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

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

### **Step 5: Targeted Student's Right to Appeal**

1. If the complainant or parent/guardian is dissatisfied with the results of the investigation, they may appeal to the superintendent or designee by filing a written notice of appeal within five (5) school days of receiving the written decision. The superintendent or designee will review the investigative report and issue a written decision on the merits of the appeal within five (5) school days of receiving the notice of appeal.
2. If the targeted student remains dissatisfied after the initial appeal to the superintendent or designee, the student may appeal to the school board by filing a written notice of appeal with the secretary of the school board on or before the fifth (5th) school day following the date upon which the complainant received the superintendent or designee's written decision.

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3. An appeal before the school board must be heard on or before the tenth (10th) school day following the filing of the written notice of appeal to the school board. The school board will review the record and render a written decision on the merits of the appeal on or before the fifth (5th) school day following the termination of the hearing, and will provide a copy to all parties involved. The board's decision will be the final District decision.

### **Step 6: Discipline/Corrective Action**

The District will take prompt and equitable corrective measures within its authority on findings of harassment, intimidation, or bullying of a student. Depending on the severity of the conduct, corrective measures may include counseling, education, discipline, and/or referral to law enforcement.

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

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

If staff have been found to be in violation of this Regulation and procedure by not reporting harassment, intimidation, or bullying or not preventing retaliation, the District may impose employment disciplinary action, up to and including termination. If a certificated educator is found to have committed a violation of [WAC 181-87](#), commonly called the Code of Conduct for Professional Educators, OSPI's Office of Professional Practices may propose disciplinary action on a certificate, up to and including revocation. Contractor violations of this Regulation may include the loss of contracts.

### **Step 7: Support for the Targeted Student**

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

### **J. Immunity/Retaliation**

No school employee, student, or volunteer may engage in reprisal or retaliation against a targeted student, witness, or other person who brings forward information about an alleged act of harassment, intimidation, or bullying. Retaliation is prohibited and will result in appropriate discipline. See [RCW 28A.600.480 Reporting of harassment, intimidation, or bullying—Retaliation prohibited—Immunity](#).

### **K. Other Resources**

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

### **L. For questions or more information, students and families can reach out to the following state or federal agencies:**

- OSPI Equity and Civil Rights Office (for discrimination complaints)  
360.725.6162  
Email: [equity@k12.wa.us](mailto:equity@k12.wa.us)  
<https://www.k12.wa.us/policy-funding/equity-and-civil-rights>
- Washington State Human Rights Commission  
800.233.3247  
[www.hum.wa.gov/index.html](http://www.hum.wa.gov/index.html)

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- Office for Civil Rights, U.S. Department of Education, Region IX  
206.607.1600  
Email: [OCR.Seattle@ed.gov](mailto:OCR.Seattle@ed.gov)  
[www.ed.gov/about/offices/list/ocr/index.html](http://www.ed.gov/about/offices/list/ocr/index.html)
- Department of Justice Community Relations Service  
877.292.3804  
[www.justice.gov/crt/](http://www.justice.gov/crt/)
- Office of the Education Ombuds  
866.297-2597  
Email: [OEInfo@gov.wa.gov](mailto:OEInfo@gov.wa.gov)  
<http://oeo.wa.gov/>
- OSPI Safety Center  
360.725-6044  
<https://www.k12.wa.us/student-success/health-safety/school-safety-center>

### **M. Other District Regulations and Procedures**

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

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ISSAQUAH  
**SCHOOL DISTRICT 411**

## Regulation 3210

# Nondiscrimination (Students)

The district is committed to complying with anti-discrimination laws.

**Definition**

“Protected status” is short for the phrase “sex, race, religion, creed, color, national origin, honorably-discharged veteran or military status, sexual orientation, gender expression or identity, , the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability.”

**Nondiscrimination Statement**

The district will adopt a nondiscrimination statement that must include the following:

1. Notice that the District may not discriminate in any programs or activities based on sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, the present of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal.
2. The name or title, office address, and telephone number of the employee designated as the compliance officer under this regulation, the Section 504 Coordinator, and the Title IX Coordinator.
3. Notice that the District will provide equal access to the Boy Scouts of America and all other youth groups listed in Title 36 of the United States Code as a patriotic society.

The district will include this statement in written announcements, notices, recruitment materials, employment application forms, and other publications made available to all students, parents/guardians or employees.

The district may combine the statement described above with the notice described in Regulation 3205.

**Model Student Handbook Language**

The district will adopt the model student handbook language described in RCW 28A.300.286 and include the language in any student, parent, employee, and volunteer handbook it or its schools publish and on its and its schools' websites.

**Discriminatory Harassment**

Students have a right to be free from discriminatory harassment. The district violates that right if the following conditions are met:

1. The alleged conduct is based on a student's protected status.
2. The alleged conduct creates a hostile environment. A hostile environment is created if the alleged conduct is sufficiently severe, persistent, or pervasive that it limits or denies a student's ability to participate in or benefit from the district's

## **Non-Discrimination – 3210**

course offerings, including any educational program or activity. A hostile environment could impact a student's life in many ways. Physical illness, anxiety about going to school, or a decline in grades or attendance could signal a hostile environment.

3. After receiving notice of the alleged conduct, the district fails to take prompt and appropriate action to investigate it or fails to take prompt and effective steps reasonably calculated to end the harassment, eliminate the hostile environment, prevent its recurrence, and remedy its effects as appropriate. The district has notice of discriminatory harassment if a reasonable employee knew or, in the exercise of reasonable care, should have known about the harassment. Employees may have notice of discriminatory harassment if they receive an oral report from a student, parent, or other individual; receive a written complaint; witness harassing conduct; or become aware of harassment by members of the community or the media.

Harassing conduct may include verbal acts and name-calling, graphic and written statements, or other conduct that may be physically threatening, harmful, or humiliating.

When the district receives notice of potential discriminatory harassment, it will take prompt and appropriate action to investigate and, as applicable, take prompt and effective steps reasonably calculated to end the harassment, eliminate the hostile environment, prevent its recurrence and remedy its effects. Examples of the steps the district might take include imposing discipline, separating individuals, developing a safety plan, offering counseling, and providing additional training and instruction. These steps will not penalize the student who was harassed.

### **Complaint Procedure**

The district will adopt a complaint procedure in accordance with chapter 392-190 WAC.

Annually, the district will publish a notice of the complaint procedure in a way that is reasonably calculated to inform all students, parents, and employees of it. The district will provide the notice in a language each parent can understand, which may require language assistance in accordance with Title VI of the Civil rights Act of 1964 for those with limited English proficiency.

The district will not adopt any regulation, procedure, or practice that would limit a person's right to file a complaint under the complaint procedure.

### **Compliance Officer**

The superintendent will designate an employee who is responsible for monitoring and coordinating the district's compliance with chapter 392-190 WAC and the guidelines the

## **Non-Discrimination – 3210**

Office of the Superintendent of Public Instruction has adopted under WAC 392-190-005.

The compliance officer is responsible for ensuring that all complaints filed under the complaint procedure are promptly investigated and resolved.

### **Training**

The District will train all administrators, certificated personnel, and classroom personnel regarding their responsibilities under this regulation and chapter 392-190-WAC. The training will aim to raise awareness of and to 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.

### **Retaliation Prohibited**

The district will not intimidate, threaten, coerce, or discriminate against any individual who seeks to secure their rights under this regulation or chapter 392-190 WAC or because the individual has filed a complaint under the complaint procedure. Further, the district will not tolerate someone else retaliating against another because they sought to secure their rights under this regulation or chapter 392-190 WAC or because they have filed a complaint under the complaint procedure.

Any person who retaliates will be subject to appropriate discipline.

### **Cross References:** Regulation:

- 2020 Curriculum Development and Adoption of Instructional Materials
- 2030 Service Animals in School
- 2140 Guidance and Counseling
- 2150 Extra-Curricular Program
- 2151 Interscholastic Activities
- 3205 Sex Discrimination and Sex-Based Harassment of Students Prohibited
- 3207 Prohibition of Harassment, Intimidation, and Bullying of Students
- 3211 Gender Inclusive Schools
- 4217 Effective Communication
- 4260 Use of School Facilities

### **Legal References:**

RCW 28A.300.286 Discrimination, harassment, intimidation, and bullying Policies and complaint procedures Posting of model student handbook language

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Chapter 392-190 WAC Equal Educational Opportunity Unlawful Discrimination Prohibited  
Chapter 28A.640 RCW Sexual equality  
Chapter 28A.642 RCW Discrimination prohibition  
Chapter 49.60 RCW Discrimination Human rights commission  
WAC 392-190-020 Training Staff responsibilities Bias awareness  
20 U.S.C. 7905 Boy Scouts of American Equal Access Act  
42 U.S.C. 12101-12213 Americans with Disabilities Act  
20 U.S.C. 1681 1688 Title IX of the Education Amendments of 1972  
42 U.S.C. 2000d, et seq. Title VI of the Civil Rights Act of 1964  
34 CFR Part 100 Nondiscrimination Under Programs Receiving Federal Assistance Through the Department of Education Effectuation of Title VI of the Civil Rights Act of 1964  
34 CFR 104 Nondiscrimination on the basis of handicap in programs or activities receiving federal financial assistance  
34 CFR Part 106 Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance

**Management Resources:**

2016 March Issue  
2014- December Issue  
2013 - April Issue  
2012 - December Issue  
2011 - June Issue  
Regulation News, August 2007 Washington's Law  
Against Discrimination

<http://www.k12.wa.us/Equity/pubdocs/ProhibitingDiscriminationInPublicSchools.pdf>

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

### **Complainant**

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

### **Formal Complaint**

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

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

A complaint may be filed by mail, fax, e-mail or hand-delivery to any district or school administrator or to the District compliance officer responsible for investigating discrimination complaints.

### **Informal Complaint**

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

### **Receiving a Formal Complaint**

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

1. Provide the complainant with a copy of Regulation 3210 and this procedure in a language they can understand, which may require language assistance in accordance with Title VI of the Civil Rights Act of 1964 for complainants with limited English proficiency.

2. Ensure that the district conducts a prompt and thorough investigation into the allegations in the complaint

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

### **Written Response to a Formal Complaint**

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

The superintendent or their designee will issue a written to the complainant within thirty (30) calendar days after the district receives the formal complaint. The thirty-day timeline can be extended if agreed to by the complainant or if exceptional circumstances related to the complaint require an extension.

If an extension is needed, the district will notify the complainant in writing of the reasons for the extension and the anticipated response date. The notice will be in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency, in accordance with Title VI of the Civil Rights Act of 1964.

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

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

### **Appeal to the Board of Directors**

If a complainant disagrees with the superintendent's or designee's written decision, they may appeal to the District Board of Directors by filing a written notice of appeal with the secretary of the Board within ten (10) calendar days following the date upon which the complainant received the response.

The board must issue a written appeal decision within thirty (30) calendar days of receiving the appeal unless the complainant agrees otherwise..The board may schedule a meeting to hear from the complainant and district representatives before issuing its decision. If it doesn't schedule a meeting, the board will consider the investigation report, the written response, and any documentation the complainant submits before making its decision.

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

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

### **Complaint to OSPI**

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

A complaint must be received by OSPI on or before the twentieth (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(OSPI) 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 the following: 1) A description of the specific acts, conditions or circumstances alleged to violate applicable anti-discrimination laws; 2) The name and contact information, including address, of the complainant; 3) The name and address of the district subject to the complaint; 4) A copy of the district's 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 student's name and address and the name of the school and school district the student attends. If the student is homeless, the complaint should include contact information.,

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

## **Non-Discrimination – 3210P**

Following the investigation, OSPI will make an independent determination as to whether the district has failed to comply with RCW 28A.642.010 or Chapter 392-190, WAC and will issue a written decision to the complainant and the district that addresses each allegation in the complaint and any other noncompliance issues it has identified. The written decision will include corrective actions deemed necessary to correct noncompliance and documentation the district must provide to demonstrate that corrective action has been completed.

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

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

### **Administrative Hearing**

A complainant or school district may appeal OSPI's written decision by filing a written notice of appeal with OSPI within thirty (30) calendar days of receiving the decision. OSPI will conduct a formal administrative hearing in accordance with the Administrative Procedures Act, Chapter 34.05, RCW.

### **Mediation**

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

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

The mediator must be impartial, may not be an employee of the district or any agency providing education or related services to a student who is involved in the mediation, and must not have a personal or professional conflict of interest. A person is not disqualified as a mediator solely because the district pays them to serve as a mediator.

If the parties resolve a dispute through mediation, they may execute a legally binding agreement that describes the resolution, states that all discussions that occurred during mediation will remain confidential and may not be used as evidence in any

## **Non-Discrimination – 3210P**

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subsequent complaint, due process hearing, or civil proceeding, and is signed by the complainant and the district's representative.

### **Recordkeeping**

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

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# Regulation 3211

## Gender-Inclusive Schools

## 3211 Gender Inclusive Schools

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

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

This regulation and its procedure also will support facilitating district compliance with local, state and federal laws concerning harassment, intimidation, bullying, and discrimination.

**Related Procedures:**

- [3211P](#)

**Cross References:****Regulation:**

- [2145 - Suicide Prevention](#)
- [3207 - Prohibition Against Harassment Intimidation and Bullying](#)
- [3210 - Nondiscrimination](#)
- [3231 - Student Records](#)

**Legal References:**

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

**Management Resources:**

- 2019 - July Issue

3211 Gender Inclusive Schools

- 2014 - December Issue
- 2013 - December Issue
- Prohibiting Discrimination in Washington Public Schools -  
OSPI Guidelines for school districts to implement Chapters 28A.640 and 28A.642  
RCW and Chapter 392-190 WAC  
(February 2012)

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 an understanding of the 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 Regulation 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 Regulation 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 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 is 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, and 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. 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 records and, if requested, the District will provide the student's educational records to the parent according to 3231/3231P – Student Records. Therefore, 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 the student's parents, parents of other students, other students and/or other school personnel, 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); or
- 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 their 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 their 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 and within the constraints of the District's 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 the regulation 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, intimidation, bullying or 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, and 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 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 regulation using the complaint process outlined in the District's Nondiscrimination Procedure 3210P.

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

### **Related Regulation:**

- [3211](#)

2025-26 Human Resources New Hire Orientation



# Regulation 3230

## Student Privacy and Searches

**Student Privacy and Searches - 3230**

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Students are entitled to the guarantees of the Fourth Amendment and shall be secure in their persons, papers, and effects against unreasonable searches and seizures. However, school officials have the responsibility of maintaining a safe environment and are empowered to conduct a reasonable search of a student, of their personal property, and of school property when there is reasonable and individualized cause or grounds for suspecting or believing that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. A search *is required* when there are reasonable grounds to suspect a student has a firearm on school grounds, transportation or at school events. Any search conducted must comply with applicable laws. School property shall remain under the control of school officials, and shall be subject to search.

**A. Searches of Students and Personal Property**

1. Any search of a student conducted by a school District employee must be reasonably related to the discovery of contraband or other evidence based upon an individualized suspicion of the student's violation of the law or school rules.

For the purpose of this Regulation, "contraband" means items, materials, or substances the possession of which is prohibited by law or District Regulation, including but not limited to, controlled substances, alcoholic beverages, tobacco products, nicotine delivering device, or any object that can reasonably be considered a firearm or a dangerous weapon.

2. Staff shall conduct searches in a manner which is not excessively intrusive in light of the age and sex of the student and the nature of the suspected legal or school rule violation.

No student shall be subject to a strip search or body cavity search by school staff.

School officials may consult with local law enforcement officials regarding the advisability of a search on school premises by a law enforcement officer if evidence of criminal activity is likely to be seized.

**B. Automobile Searches**

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct without notice routine patrols of student parking lots and inspections of the exteriors and visible interiors of student automobiles on school property. The interiors of student vehicles may be searched whenever a school official has reasonable cause or grounds for suspecting or believing that the search will turn up evidence that the individual student(s) has violated or is violating either the law or the rules of the school. School officials may call and/or consult with local law enforcement officials in appropriate circumstances, such as when criminal activity is suspected.

**C. Locker Searches**

Students may be assigned lockers for storing and securing their books, school supplies, and personal effects. Lockers, desks, and storage areas are the property of the District. No right nor expectation of privacy exists for any student as to the use of any space issued or assigned to a student by the school. Lockers and other spaces are subject to search in accordance with District Regulation.

No student may use a locker, desk, or storage area to store any substance or object which is prohibited by law or school rules or which poses a threat to the health, safety or welfare of the occupants of the school building or the building itself.

Any student's locker, desk, or other storage area shall be subject to search if reasonable grounds exist to suspect that the search will yield evidence of the individual student's violation of the law or school rules.

All student lockers may be searched at any time without prior notice and without reasonable suspicion that the search will yield evidence of any particular student's violation of the law or school rules. If the school official conducting such a search develops a reasonable suspicion that any container inside the locker, including but not limited to a purse, backpack, gym bag, or an article of clothing, contains evidence of a student's violation of the law or school rules, the container may be searched pursuant to the District's procedures governing personal searches.

D. Notice

A copy of the Regulation and procedures are available upon request or on-line.

The superintendent shall establish procedures for conducting searches of students, their personal property, and their automobiles, and conducting searches of lockers, desks, and/or storage areas.

|                          |            |      |                                        |
|--------------------------|------------|------|----------------------------------------|
| <b>Cross References:</b> | Regulation | 3231 | Student Records                        |
|                          |            | 3245 | Students and Telecommunication Devices |
|                          |            | 3414 | Infectious Diseases                    |

|                          |     |                 |                                                                                                           |
|--------------------------|-----|-----------------|-----------------------------------------------------------------------------------------------------------|
| <b>Legal References:</b> | RCW | 13.64.060       | Power and Capacity of emancipated minor                                                                   |
|                          |     | 28A.320.040     | Bylaws for board and school government                                                                    |
|                          |     | 28A.600.020     | Exclusion of student from classroom — Written disciplinary procedures — Long-term suspension or expulsion |
|                          |     | 28A.600.210-240 | School official searches of student lockers                                                               |
|                          |     | WAC             | 392-400-215                                                                                               |

**Management Resources:**

*Regulation News*, June 1999 School safety bills impact Regulation

## **Student Privacy and Searches – 3230P**

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### **Searches of Students and Their Property**

A student is subject to search by District staff if reasonable and individualized grounds exist to suspect that evidence of a violation of the law or school rules will be uncovered. School staff shall report a student's suspicious activity to the principal prior to initiating a search, except in emergency situations. A search is required when there are reasonable grounds to suspect a student has a firearm on school grounds, transportation or at school events.

### **Establishing reasonable and individualized grounds.**

The following review of the basis for the search should occur before conducting a search:

- A. Identify 1) the student's suspicious conduct, behavior, or activity; 2) the source of the information; and 3) the reliability of the source of such information.
- B. If suspicion could be confirmed, would such conduct be a violation of the law or school rules?
- C. Is the student likely to possess or have concealed any item, material, or substance which is itself prohibited or which would be evidence of a violation of the law or a school rule?

### **Conducting the search.**

If the principal, or their designee, determines that reasonable and individualized grounds exist to search a student's clothing, personal effects, desk, locker, assigned storage area, or automobile, the search shall be conducted as follows:

- A. If evidence of criminal activity is suspected to be present, and prosecution by civil authorities will be recommended if confirmed by the search, consult law enforcement officials regarding the appropriateness of a search by a law enforcement officer.
- B. If evidence of violation of a school rule is suspected, and if confirmed by the search will be handled solely as a student discipline action, proceed to search by directing the student to remove all items from pockets, purses, handbags, backpacks, gym bags, etc. As a matter of discretion, the principal or designee may request the student's voluntary consent for the search, depending on the nature of the suspected legal or rule violation, the exigency of the search, and other relevant factors. If the student refuses to cooperate in a personal search, the student may be held until the student's parent or guardian is available to consent to the search. However, if a parent or guardian cannot be reached in a reasonable time or the principal or designee determines an immediate search is necessary, the principal may conduct the search without either the student or parent/guardian's consent.

### **Locker Searches**

Lockers, desks, and storage areas are the property of the school District. When assigned a locker, desk, or storage area, a student shall be responsible for its proper care. A student may be subject to a fine for any willful damage to school property. Students are encouraged to keep their assigned lockers closed and locked.

A student's locker desk or storage area may be searched by District staff if reasonable grounds exist to suspect that evidence of a violation of the law or school rules will be uncovered. School staff shall report a student's suspicious activity to the principal prior to initiating a search, except in emergency situations when the risk of harm to students or staff demands immediate action.

## **Student Privacy and Searches – 3230P**

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Building principals should refer to these procedures for conducting searches of students and their property for guidance in establishing whether a search is reasonable under the circumstances.

Principals may search all lockers, desks, or storage areas without prior notice given to students and without reasonable suspicion that the search will yield evidence of any particular student's violation of the law or school rules.

Administrative inspections, or health and welfare inspections, may be conducted at any time for the purpose of locating misplaced library books, textbooks, or other school property or to ensure that all lockers, desks, or storage areas are being kept clean and free from potential health or safety hazards. Periodic inspections of lockers will reinforce the District's ownership of lockers and the minimal expectation of privacy students have in the contents of their lockers.

During a search of all student lockers, if the school official conducting the search discovers any container within the locker for which there is a reasonable and individualized suspicion that it may conceal contraband, the container may be searched according to District procedures above for conducting searches of students and their property. A "container" for the purpose of this Regulation may include, but is not limited to: an article of clothing, a handbag, purse, backpack, gym bag, or any other item in which contraband material may be concealed.

### **Notice**

A copy of the Regulation and procedures are available upon request or on-line.

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# Regulation 3231

# Student Records

The District shall maintain those student records necessary for the educational guidance and/or welfare of students, for orderly and efficient operation of schools and as required by law. All information related to individual students shall be treated in a confidential and professional manner. The District will use reasonable methods to ensure that teachers and other school officials obtain access to only those education records in which they have legitimate educational interests. When information is released in compliance with state and federal law the District and District employees are immune from civil liability unless they acted with gross negligence or in bad faith.

The District will retain records in compliance with the current, approved versions of the *Local Government General Records Retention Schedule (CORE)* and the *School Districts and Educational Service Districts Records Retention Schedule*, both of which are published on the Secretary of State's website at: [www.sos.wa.gov/archives/recordsretentionschedules.aspx](http://www.sos.wa.gov/archives/recordsretentionschedules.aspx).

Student records are the property of the District, but shall be available in an orderly and timely manner to students and parents. "Parent" includes the Department of Children, Youth, and Families when a minor student has been found dependent and placed in state custody. A parent or adult student may challenge any information in a student record believed inaccurate, misleading or in violation of the privacy or other rights of the student.

Student records shall be forwarded to other school agencies upon request. A high school student may grant authority to the District to permit prospective employers to review the student's transcript. Parent or adult student consent shall be required before the District releases student records other than to a school agency or organization, except as otherwise permitted by law.

The Superintendent shall establish procedures governing the content, management and control of student records.

**Cross References:** Regulation

|      |                                   |
|------|-----------------------------------|
| 4020 | Confidential Communications       |
| 4040 | Public Access to District Records |

**Legal References:** 20 U.S.C. 1232g Family Education Rights and Privacy Act  
CFR 34, Part 99 Family Education Rights and Privacy Act Regulations  
RCW 28A.150.510 Transmittal of education records to DCYF—  
Disclosure of educational records—Data sharing  
agreements—Comprehensive needs requirement  
document—Report.  
RCW 28A.195.070 Official transcript withholding – Transmittal of  
information  
RCW 28A.225.151 Reports.

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|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| RCW 28A.225.330      | Enrolling students from other Districts — Requests for information and permanent records — Immunity from liability — Rules                                                                                                                                |
| RCW 28A.230.120      | High school diplomas — Issuance — Option to receive final transcripts — Notice                                                                                                                                                                            |
| RCW 28A.230.180      | Access to campus and student information directories by official recruiting representatives – Informing students of educational and career opportunities                                                                                                  |
| RCW 28A.600.475      | Exchange of information with law enforcement and juvenile court officials – Notification of parents and students.                                                                                                                                         |
| RCW 28A.605.030      | Student education records – Parental review— release of records—Procedure.                                                                                                                                                                                |
| RCW 28A.635.060      | Defacing or injuring school property — Liability of pupil, parent or guardian — Withholding diplomas — Suspension and restitution — Community service program as alternative — Publication of information on withheld diplomas – Student rights protected |
| RCW 40.24.030        | Address Confidentiality Program — Application — Certification – Form – Vehicle and vessel information                                                                                                                                                     |
| Chapter 246-105 WAC  | Immunization of child care and school children against certain vaccine-preventable diseases                                                                                                                                                               |
| Chapter 392-172A WAC | Rules for the provision of special education                                                                                                                                                                                                              |
| Chapter 392-182 WAC  | Student Health Records                                                                                                                                                                                                                                    |
| Chapter 392-415 WAC  | Secondary Education - standardized high school transcript                                                                                                                                                                                                 |
| WAC 181-87-093       | Failure to assure the transfer of student record information or student records                                                                                                                                                                           |
| WAC 392-121-182      | Alternative learning experience requirements                                                                                                                                                                                                              |
| WAC 392-122-228      | Alternative learning experiences for juvenile students incarcerated in adult jail facilities                                                                                                                                                              |
| WAC 392-500-025      | Pupil tests and records — Pupil personnel records — School district policy in writing                                                                                                                                                                     |

Student records shall be managed by the District records custodian in the following manner:

### **Type of Records**

Student records shall be divided into two categories: the cumulative file and supplementary records.

The **cumulative file** may contain all information about a student which is collected and maintained on a routine basis, such as identifying information (name, birth date, sex, year in school, address, telephone number, parent's name, ethnic classification, emergency information [parent's place of employment, family doctor, babysitter, siblings]); attendance records including date of entry and withdrawal; grades and other student progress reports; results of tests of school achievement, aptitude, interests, hearing and vision; health and immunization status reports; records of school accomplishments and participation in school activities; verified reports of misconduct, including a record of disciplinary action taken; and such other information that will enable staff to counsel with students and plan appropriate activities. Identifying information may be limited if the student is a participant in the state Address Confidentiality Program.

**Supplementary records** may be collected and maintained in connection with special school concerns about the student, such as confidential health information or reports connected with assessment and placement of a student who is formally identified as a "focus of concern;" reports from non-school persons and organizations such as physicians, psychologists and clinics, except for general screening purposes; reports pertaining to specific problems associated with the student; and current reports of psychological tests and progress reports related to a student's disabling condition. All such reports included in records shall be dated and signed.

Working notes of staff are defined as those records about students that are maintained in the sole possession of the writer and are not accessible or revealed to any other person except a substitute for that staff member. Working notes are not considered student records under this procedure.

### **Accessibility of Student Records**

Information contained in the cumulative file and/or supplementary records shall be provided to persons and agencies as follows:

#### **Parents**

Guardians of dependent children have the right to inspect the cumulative file and/or supplementary records of their children unless a court order is provided that prohibits the release or inspection of student records to a parent. In the absence of a court order, the following shall occur:

- A. The parent shall be provided analysis and interpretation by qualified staff of all information in the cumulative file and supplementary records. This action may be initiated by the parent or a staff member. The review shall occur no later than 45 days after the request is made.

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- B. Inspection and review shall be conducted during normal working hours, unless the custodian (teacher, counselor, nurse, psychologist, principal) consents to other arrangements. Custodians shall provide assistance in the interpretation and analysis of student records as needed. Although records must remain within District control, they may be copied or reproduced by or for the parent or eligible student at their own expense.

**The Student**

Information from the cumulative file shall be interpreted to the student upon their request. Information contained in supplementary records shall be interpreted to the student upon their request and with the consent of the parent. An eligible student (a student over the age of 18) may inspect their cumulative file and supplementary records. The right of access granted the parent or eligible student includes the right to be provided a list of the types of student-related education records maintained by the school and the District. The parent and eligible student have the right to inspect or to be informed of the content of any record containing personally identifiable information regarding more than one student, provided that the right to access shall apply only to that portion of the record or document which relates to the student. Upon graduation from high school, a student may request to receive a final transcript in addition to the diploma.

Parents and eligible students shall be notified annually of their right to inspect and review the records of their children and their other rights under the Family Education Rights and Privacy Act through the following notice: <https://www.issaquah.wednet.edu/district/legal>

The Family Educational Rights and Privacy Act (FERPA) affords parents and eligible students certain rights with respect to the student's education records. They are:

- A. The right to inspect and review the student's education records within 45 days of the day the District receives a request for access. Parents or eligible students should submit to the District records custodian a written request that identifies the record(s) they wish to inspect. The records custodian will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
- B. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate or misleading. Parents or eligible students should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the District decides not to amend the record as requested by the parent or eligible student, the District will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
- C. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. Exceptions which permit disclosure without consent include disclosure to appropriate persons (e.g., law enforcement), and/or agencies deemed by the District as necessary to protect the health or safety of the student or other individuals and disclosure to school officials with legitimate educational interests. A school official is: a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a

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person serving on the school board; a person or company with whom the District has contracted to perform a special task (such as an attorney, hearing officer, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

- D. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue S.W.  
Washington, D.C. 20202

### **Staff**

Staff or other school officials who have a legitimate, educational interest in a student shall have access to the cumulative file and any supplementary records.

### **Other Districts**

Other districts shall be provided with records upon official request. At the time of transfer of the records, the parent or eligible student may receive a copy of the records at his/her expense if requested and shall have an opportunity to challenge the contents of the records. Parents shall be advised through the annual *Student Rights and Responsibilities Handbook* that student records will be released to another school where the student has enrolled or intends to enroll.

### **Other Persons and Organizations**

Prospective employers may request to review the transcript of a student. Each parent or eligible student shall be advised at least annually that such requests shall be honored only upon a signed release of the parent or eligible student. Information contained in the cumulative folder and supplementary records of a student shall be released to persons and organizations other than the student, parent, staff and other districts only with the written consent of the parent or eligible student with the following exceptions:

- A. Directory information may be released publicly without consent upon the condition that the parent or eligible student be notified annually of the school's intention to release such information and be provided the opportunity to indicate that such information is not to be released without prior consent. Such information shall not be released for commercial reasons. Directory information is defined as the student's name, photograph, address, telephone number, date and place of birth, dates of attendance, guardian email, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, diplomas and awards received and the most recent previous school attended. Directory information may be used for purposes such as school related fund raising, publication of a student directory, parent organization

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mailing lists, school yearbooks and newspapers, commencement programs and publications of honor rolls and other school information about student in the public media.

Residential addresses of participants in the state Address Confidentiality Program will not be available for release as directory information. Social Security numbers, student identification numbers (with authentication factors such as a secret password or personal identification number) or other personally identifiable information are also not considered directory information.

- B. Information may be released to authorized representatives of the comptroller general of the United States, the commissioner of education, and/or an administrative head of an education agency or state education authorities in connection with the audit and evaluation of federally supported education programs or in connection with the enforcement of the federal legal requirements for such programs.
- C. Information may be released to state and local officials to whom such information is specifically required to be reported or disclosed pursuant to Washington law (examples: reporting child abuse or referrals to juvenile court for truancy).
- D. Information may be released to organizations conducting studies for educational agencies for the purpose of developing, validating or administering predictive tests or improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than the representatives of such organizations and if such information shall be destroyed when no longer needed for the purpose for which it has been gathered.
- E. Information may be released in compliance with a judicial order or lawfully issued subpoena including ex parte court orders under the USA Patriot Act, upon condition that a reasonable effort was made to notify the parent or eligible student in advance of such compliance unless such notice is not allowed by the order or subpoena. In compliance with the federal Uninterrupted Scholar's Act of 2013, when a parent is a party to a court proceeding involving child abuse or neglect (as defined in Section 3 of the Child Abuse and Prevention and Treatment Act (42 U.S.C. 5101) or dependency matters, and the order is issued in the context of that proceeding, the district is not required to provide additional notice (i.e., in addition to the court's notice) to the parent prior to release of the information.
- F. Information may be released to appropriate persons and agencies in connection with an emergency to protect the health or safety of the student or other persons. The District will take into account the totality of the circumstance and determine if there is an articulable and significant threat to the health or safety of the student or other individuals. When information from a student's record, other than directory information, is released to any person or organization other than staff, a record of such release will be maintained as part of the specific record involved. Telephone requests for information about students will not be honored unless the identity of the caller is known and the caller is authorized to receive the information under provisions of this Procedure. A record will be made of any such release of information and placed in the student's cumulative file. This record of access will include date of access, name of the party granted access and the legitimate educational interest of the party granted access.
- G. In compliance with the federal Uninterrupted Scholar's Act of 2013, information regarding students in foster care may be released without prior written consent of the

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parent or eligible student to agency caseworkers or other representatives of state or local child welfare agencies or tribal organizations who are legally responsible for the care and protection of the student, for purposes related to the student's case plan.

### **Confidential Health Records**

Confidential health records should be stored in a secure area accessible only to the school health care provider, unless an appropriately executed release under Chapter 70.02 RCW has been obtained. Such records also are covered by FERPA, permitting parent access to review and otherwise exercise FERPA rights regarding the records. There is a higher standard of confidentiality and minor student's rights of privacy for records pertaining to HIV, sexually transmitted diseases, drug or alcohol treatment, mental health treatment, family planning or abortion. The releases for information regarding sexually transmitted diseases, HIV and drug or alcohol treatment are more restrictive than ordinary medical releases.

### **Amendment of Records and Hearings**

At the time of inspection and review, the parent or eligible student may challenge the appropriateness and accuracy of any record directly related to the student and may demand correction or deletion. Custodians (teacher, counselor, nurse, and psychologist) may honor such demands by correcting or deleting records which are misleading, violative of privacy or inaccurate, provided that the senior custodian (principal or department head) concurs.

If the demanded correction or deletion is denied by the senior custodian, the parent or eligible student may request a hearing before the Superintendent or designee, which hearing shall be held within a reasonable time after the receipt of such request. The District shall give the parent or eligible student notice of the date, time and place of the hearing reasonably in advance. During the hearing the Superintendent shall review the facts as presented by the parent or eligible student and the senior custodian and decide whether or not to order the correction or deletion. The Superintendent shall send his/her written decision to the parent or eligible student within a reasonable time following the hearing. The decision will be based solely on the evidence at the hearing and will include a summary of the evidence and the reasons for the decision.

Parents or eligible students challenging the appropriateness and accuracy of student records may insert a written explanation of their objections in such records.

### **Maintenance of Student Records**

The student's principal, counselor or teacher shall be the custodian of the cumulative file. The principal or the student's counselor shall be the custodian of the supplementary records. Duplicate copies of all guidance case study reports and reports from non-school agencies contained in a student's supplementary record may be maintained in the District office under the supervision of the Superintendent.

Custodians will:

1. Maintain only those records authorized by these procedures;
2. Safeguard student records from unauthorized use and disposition;
3. Maintain access to records as set forth in this Procedure;
4. Honor access requests from parents or eligible students;

5. Delete or correct records upon approval of the senior custodian or upon order of the Superintendent; and
6. Follow the records review schedule and procedures established by the senior custodian.

Senior custodians may assume the duties of custodians and shall:

1. Request student records from other schools;
2. Maintain security of student records;
3. Transfer, destroy and expunge records as permitted;
4. Supervise activities of their custodians;
5. Conduct informal hearings and grant or deny approval of corrections or deletions requested by parents or eligible students;
6. Establish records review schedules and procedures for their respective schools or departments in accordance with procedures governing records disposition.
7. Upon transfer of the student to the next level (elementary to middle school, middle school to high school) or upon graduation or transfer outside the District, remove for retention, preservation or destruction in accordance with applicable disposition procedures any records no longer pertinent to educational program placement; and
8. Certify to the District records custodian by June 30 of each year the following:
  - a. Only records pertinent to educational program placement are being maintained, unless otherwise authorized by law, and
  - b. Required reviews have been accomplished.

The District records custodian shall provide overall supervision of student records management and control and shall enforce this Regulation and Procedure.

The District will use various methods to protect records, including passwords, physical controls (such as locked cabinets), technological controls (such as role-based access controls for electronic records) and administrative procedures.

### **Disposition of Student Records**

The permanent student record shall serve as the record of the student's school history and academic achievement. Permanent records filed in the student's cumulative file are to be extracted and retained before disposition of the file.

Within ten days after receiving a request, the District will furnish a set of unofficial educational records to the parent of a student transferring out of state who meets the definition of a child of a military family in transition. When a student transfers to another school in the District, all records including the permanent student record shall be transmitted to the other school. When a student transfers to a school outside of the District, the senior custodian shall purge the cumulative file of all nonofficial, extraneous information. A copy of all records will be sent to the requesting school. The cumulative file for an elementary or middle school student who leaves the District shall be maintained for two years after discontinuance of enrollment in the District. Cumulative files and supplementary records of high school students will be retained according

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**Student Records – 3231P**

to the Washington State Records Retention Schedule. In all cases, the student's permanent record card will be retained in perpetuity by the District.

At the time a student graduates from school or ceases to need special educational services, the parent/guardian or eligible student will be informed that personally identifiable information regarding the disabling condition is no longer needed for educational purposes and that the special education records will be retained by the District for six (6) years before being destroyed pursuant to the Washington State Records Retention Schedule.

When informing the parent or eligible student about his/her rights regarding such records, the District will advise the parent or eligible student that the information may be needed by the student or the parent to establish eligibility for certain adult benefits, e.g., social security and that the parent/guardian/eligible student should ensure that they possess the necessary documentation, or request copies of certain records from the District before the District records are destroyed in six (6) years. At the parent's/guardian's or eligible student's request, the record information relating to the disabling condition will be destroyed, but only after the records have met the six (6) year retention requirement. The District may, in its discretion, choose to retain these records for a longer period of time for business purposes. A parent or eligible student, at his/her expense, may receive a copy of all records to be transmitted to another District.

### **Large Scale Destruction of Student Records**

After exercising care in accordance with the previous section (Disposition of Student Records), the senior custodian shall bundle all records and send them to the District office. Each bundle shall be plainly marked: "Student Records--for Destruction," dated and signed by the senior custodian. A summary sheet shall be completed and retained in the District office. The sheet shall indicate: "As of this date, I have determined that the following records may be destroyed in accordance with District and state requirements and have submitted them for destruction." The summary sheet shall be dated and signed by the senior custodian.

### **Electronic Records**

Electronic records (including e-mail and web content) created and received by the District in the transaction of public business are public records for the purposes of RCW 40.14 and will be managed consistent with the laws and regulations governing the retention disclosure, destruction and archiving of public records.

### **Cut-Off**

Whenever applicable, the retention period starts with the "cut-off." "Cut-off" is a term used to indicate files or records may be terminated on a predetermined date. "Cut-off" prevents current records from attaining unmanageable size and facilitates the filing of new records. Calendar year records may be "cut-off" on December 31, and a new file established on January 1; all fiscal year records can be "cut-off" only upon the completion of an action or event, such as termination of contract, final payment of a contract, termination of employment, etc. Regardless of the duration of the retention period, records series should be kept in the office files after "cut-off" only as long as is necessary to satisfy: (1) active reference; (2) audit, when required; and (3) other operational requirements. Once these three factors have been satisfied, the records should be transferred to a records center or to an appropriate alternative format, including an electronic format, for the remainder of the retention period.



2025-26 Human Resources New Hire Orientation



# Regulation 3241

## Student Discipline

As used in this Regulation and accompanying Procedure 3241P, “discipline” means any action taken by the District in response to behavioral violations. Discipline is not necessarily punitive, but can take positive and supportive forms.

The purposes of this Regulation and accompanying Procedure 3241P include:

- Engaging with families and the community and striving to understand and be responsive to cultural context;
- Supporting students in meeting behavioral expectations, including providing for early involvement of parents;
- Administering discipline in ways that respond to the needs and strengths of students and keep students in the classroom to the maximum extent possible;
- Describing the educational services that students may receive during suspension and expulsion;
- Facilitating collaboration between school personnel, students, and parents to support successful reentry into the classroom following a suspension or expulsion;
- Promoting fairness and equity in the administration of discipline;
- Providing a safe environment for all students and for District employees;
- Providing for early involvement of parents in efforts to support students in meeting behavior expectations;
- Establishing appeal and review procedures for suspensions, expulsions and emergency expulsions;
- Establishing grievance procedures to address grievances of classroom exclusion and other forms of discipline other than suspensions, expulsions and emergency expulsions;
- Identifying other forms of discipline that school personnel should administer before administering exclusionary discipline; and
- Providing a process for students who have been suspended or expelled to petition for readmission.

The Superintendent has general authority to administer discipline, including all exclusionary discipline. The Superintendent will identify other staff members to whom the Superintendent has designated disciplinary authority. The Superintendent also shall establish and make available rules of student conduct designed to provide students with a safe, healthy, and educationally sound environment. Students are expected to be aware of the District’s rules of student conduct, including behavior standards that respect the rights, person, and property of others. Students and staff are expected to work together to develop a positive climate for learning. Failure to comply with these expectations may result in discipline.

Procedure 3241P sets forth the types of behavioral violations for which the District may administer discipline, including classroom exclusions, suspensions, expulsions and emergency expulsions. The District’s use of suspension and expulsion will have a real and substantial relationship to the lawful maintenance and operation of the District, including but not limited to, the preservation of the health and safety of students and employees and the preservation of an educational process that is conducive to learning. Procedure 3241P identifies a list of other forms of discipline for staff to use instead of classroom exclusion, suspension or expulsion. Staff members are not restricted to that list and may use any other form of discipline compliant with WAC 392-400-025(9) in response to behavioral violations.

School personnel must make every reasonable attempt to involve parents and students to resolve behavioral violations. The District must ensure that associated notices, hearings, conferences,

meetings, plans, proceedings, agreements, petitions, and decisions are in a language the student and parents understand, which may require language assistance.

As described in the accompanying procedure, the District will offer educational services to students during suspension or expulsion. When the District administers a long-term suspension or expulsion, the District will timely hold a reengagement meeting and collaborate with parents and students to develop a reengagement plan that is tailored to the student's individual circumstances. Any student who has been suspended or expelled may apply for readmission at any time.

When administering discipline, the District will observe students' constitutional rights. The District will notify parents of classroom exclusion, suspension or expulsion in accord with the requirements in the accompanying Procedure 3241P. The District will provide opportunities for parent participation during an initial hearing with the student. The District will follow the established procedures for the appeal and review of suspensions, expulsions and emergency expulsions that are consistent with the applicable state regulations.

In the accompanying Procedure 3241P, the District has established procedures to address grievances of parents or students related to other forms of discipline, classroom exclusion, and exclusion from transportation or extra-curricular activities. The grievance procedures include an opportunity for the student to share their perspective and explanation regarding the behavioral violation.

The District is authorized to enter into behavior agreements with students and parents in response to behavioral violations, including agreements to reduce the length of a suspension conditioned on participation in treatment services, agreements in lieu of suspension or expulsion, or agreements holding a suspension or expulsion in abeyance. The District will ensure that any behavior agreement entered with a student does not waive that student's opportunity to participate in a reengagement meeting or to receive educational services during the period of suspension or expulsion. Behavior agreements will not exceed the length of an academic term and will not preclude the District from administering discipline for behavioral violations that occur after the entry of the behavior agreement.

The District will periodically review these discipline policies and procedures with the participation of school personnel, students, parents, families and the community. During the development and review of the discipline policies and procedures, the District will use disaggregated data collected under RCW 28A.300.042 to monitor the impact of the District's discipline policies, procedures and practices and to update these policies and procedures to improve fairness and equity in the administration of discipline.

The District will make its discipline policies and procedures available to families and the community. The District will annually provide its discipline policies and procedures to all district personnel, students, and parents, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964. The District will ensure District employees and contractors are knowledgeable of the discipline policies and procedures.

**Cross References:**

Regulation 2121 Substance Abuse Program  
Regulation 2161 Special Education and Related Services for Eligible Students  
Regulation 2162 Education of Students With Disabilities Under Section 504 of the Rehabilitation Act of 1973

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Regulation 3210 Nondiscrimination  
Regulation 3244 Prohibition of Corporal Punishment  
Regulation 3520 Student Fees, Fines, or Charges  
Regulation 4210 Regulation of Dangerous Weapons on School Premises

**Legal References:**

RCW 9A.16.100 Use of force on children — Policy — Actions presumed unreasonable  
RCW 9A.04.110 Definitions  
RCW 9A.41.280 Possessing dangerous weapons on school facilities — Penalty — Exceptions  
RCW 28A.150.240 Certificated teaching and administrative staff as accountable for classroom teaching — Scope — Responsibilities — Penalty  
RCW 28A.165.035 Program activities – Partnerships with local entities – Development and use of state menu of best practices and strategies  
RCW 28A.400.100 Principals and vice principals — Employment of — Qualifications — Duties  
RCW 28A.400.110 Principal to assure appropriate student discipline — Building discipline standards — Classes to improve classroom management skills  
RCW 28A.600.010 Enforcement of rules of conduct — Due process guarantees — Computation of days for short-term and long-term suspensions  
RCW 28A.600.015 Expulsions and suspensions - Rules incorporating due process -- Short-term and long-term suspensions – Emergency expulsions – Discretionary discipline  
RCW 28A.600.020 Exclusion of student from classroom — Written disciplinary procedures — Long-term suspension or expulsion  
RCW 28A.600.022 Suspended or expelled students — Reengagement plan  
RCW 28A.600.410 Alternatives to suspension — Encouraged  
RCW 28A.600.420 Firearms on school premises, transportation, or facilities – Penalty – Exemptions  
RCW 28A.600.455 Gang activity – Suspension or expulsion  
RCW 28A.600.460 Classroom discipline — Policies — Classroom placement of student offenders—Data on disciplinary actions  
34 CFR Part 100.3 Regulations implementing Civil Rights Act of 1964  
42 U.S.C. 2000d et seq. Civil Rights Act of 1964  
WAC 392-190-048 Access to course offerings – Student discipline  
WAC 392-400 Student Discipline

**Definitions**

- **Behavioral violation** means a student's behavior that violates the District's discipline Regulations and procedures.
- **Classroom exclusion** means the exclusion of a student from a classroom or instructional or activity area for behavioral violations. Classroom exclusion does not include actions that result in missed instruction for a brief duration when: (a) a teacher or other school personnel attempts other forms of discipline to support the student in meeting behavioral expectations; and (b) the student remains under the supervision of the teacher or other school personnel during the brief duration.
- **Culturally responsive** has the same meaning as "cultural competency" in RCW 28A.410.270.
- **Discipline** means any action taken by the District in response to behavioral violations.
- **Disruption of the educational process** means interrupting classwork, creating disorder, or invading the rights of a student or group of students.
- **Emergency removal** means the removal of a student from school because the student's presence poses an immediate and continuing danger to other students or school staff or an immediate and continuing threat of substantial disruption of the educational process, subject to the requirements below.
- **Expulsion** means a denial of admission to a student's current school placement in response to a behavioral violation, subject to the requirements below.
- **Length of an academic term** means the total number of school days in a single trimester or semester, as defined by the school board.
- **Parent** has the same meaning as in WAC 392-172A-01125.
- **School board** means the governing board of directors of the District.
- **School business day** means any calendar day, exclusive of Saturdays, Sundays or any federal, state or school holiday, when the office of the Superintendent is open to the public for business. A school business day concludes upon the closure of the Superintendent's office for the calendar day.
- **School day** means any day or partial day that students are in attendance at school for instructional purposes.
- **Suspension** means the denial of attendance in response to a behavioral violation from any subject or class, or from any full schedule of subjects or classes, but not including classroom exclusions, expulsions or emergency removals.

- In-school suspension means a suspension in which a student is excluded from the student's regular educational setting but remains in the student's current school placement for up to ten (10) consecutive school days.
- Short-term suspension means a suspension for any portion of a calendar day for up to ten (10) consecutive school days.
- Long-term suspension means a suspension that exceeds ten (10) consecutive school days.

### **Staff Authority for Imposition of Discipline**

The District's discipline rules may be enforced by school officials:

- On school grounds during and immediately before and after the school day;
- During school activities (whether on or off campus);
- On school grounds before or after school hours when a school group or school activity is using school grounds;
- Off school grounds if the actions of the student materially or substantially affects or interferes with the educational process or otherwise has a sufficient nexus to the school; and
- On school transportation or any other place under the authority of District personnel.

The Superintendent will have the authority to discipline, suspend or expel students and to designate which staff members have the authority to initiate or impose discipline.

Principals and their administrative designees, deans and District administrators who have direct control over student programs have the authority to administer short-term suspensions, long-term suspensions, and emergency removals in accordance with this Procedure.

Principals and their administrative designees and District administrators who have direct control over student programs have the authority to recommend expulsion of a student to the Superintendent who will administer the expulsion in accordance with this Procedure.

### **General Conditions for Discipline**

- The District will provide for early involvement of parents in efforts to support students in meeting behavioral expectations. The District will make every reasonable attempt to involve the student and parent in the resolution of behavioral violations.
- Discipline will not be administered in a manner that would prevent a student from completing subject, grade-level or graduation requirements.
- Corporal punishment, which generally is defined as any act that willfully inflicts or willfully causes the infliction of physical pain on a student, is prohibited by state law and District Regulation. See WAC 392-400-825 for actions that are not considered corporal punishment.

- No student will be subject to discipline in a manner that would result in the denial or delay of a nutritionally adequate meal to the student.
- The District will annually disseminate to students, parents and staff the District's discipline rules and the written procedures for administering discipline. The District will also, in consultation with staff, students, students' families, and the community, periodically review and update the District's Regulations and procedures related to student discipline.
- The District will ensure that discipline related documents are in a language the student and parents understand, which may require language assistance for students and parents with limited English proficiency under Title VI of the Civil Rights Act of 1964.

**Supporting Students with Other Forms of Discipline**

Teachers, administrators, school bus drivers and other designated school employees are authorized to impose other forms of discipline upon a student for violations of the District's discipline Regulations. As used in this Procedure, other forms of discipline means actions used in response to behavioral violations other than classroom exclusion, suspension, emergency removal or expulsion. Other forms of discipline may include, but are not limited to:

- Behavior mentoring
- Social skills instruction
- Restorative justice practices
- Use of de-escalation strategies
- Mediation
- Behavior agreements
- Conference with student and/or parents
- Parent contact
- Changes to schedule/classes/seating
- Detention either before school, during recess and/or after school.
- Special assignments
- Restriction of school-related activities
- Counseling in behavior expectations and potential consequences for behavior violations.
- Confiscation of inappropriate items

In addition to the behavioral violations identified in this Procedure, the District may administer other forms of discipline for conduct that does not conform to reasonable standards of acceptable behavior, fails to respect the rights, person or property of others or that negatively affects the learning environment.

Students and parents may challenge the administration of other forms of discipline, including the imposition of after-school detention, using the grievance process in the section below titled **Grievance Process for Classroom Exclusions and Other Forms of Discipline**.

### **Classroom Exclusions**

A teacher may exclude a student from the teacher's classroom or instructional or activity area when the student commits a behavioral violation while under the teacher's supervision that disrupts the educational process, subject to the requirements in this Procedure.

All principals and their administrative designees, deans, school security officers and District administrators are authorized to exclude a student from a classroom or instructional or activity area for behavioral violations that violate the District's discipline Regulation subject to the requirements in this Procedure.

Unless the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process, the teacher or other school personnel must first attempt one or more other forms of discipline to support the student in meeting behavioral expectations, which may include the examples in the section above titled **Supporting Students with Other Forms of Discipline**.

A classroom exclusion may last for all or any portion of the balance of the school day in which the student was excluded. If the student is excluded for longer than the balance of the school day, the District will provide notice and due process for a suspension, expulsion or emergency removal, as appropriate.

A student may not be removed from school during a classroom exclusion unless the District provides notice and due process for a suspension, expulsion, or emergency removal.

The District will provide the student an opportunity to make up any assignments and tests missed during the classroom exclusion.

### **Notice and procedure for classroom exclusions**

The teacher or other school personnel will report the classroom exclusion, including the behavioral violation that led to the classroom exclusion, to the principal or designee as soon as reasonably possible. The teacher, principal, or designee will notify the student's parents of the classroom exclusion as soon as reasonably possible.

When a teacher or school personnel administers a classroom exclusion because the student's presence poses an immediate and continuing danger to other students or school personnel, or

an immediate and continuing threat of material and substantial disruption of the educational process:

- The teacher or school personnel will immediately notify the principal or designee; and
- The principal or designee will meet with the student as soon as reasonably possible and administer appropriate discipline.

The District will address student and parent grievances regarding classroom exclusion through the grievance procedure set forth in the section below titled **Grievance Process for Classroom Exclusions and Other Forms of Discipline**.

#### **Grievance Process for Classroom Exclusions and Other Forms of Discipline**

Any student or parent who is aggrieved by a classroom exclusion and/or the imposition of discipline other than suspensions and expulsions has the right to an informal conference with the building principal or designee for the purpose of attempting to resolve the grievance. Such request must be made within ten (10) school business days of the imposition of the other form of discipline or classroom exclusion. The employee who imposed the discipline will be notified of the initiation of such a grievance as soon as reasonably possible.

During the conference, the student and parent will have the opportunity to share the student's perspective and explanation regarding the behavioral violation. Staff members will have the opportunity to respond to the issues and questions related to the grievance. The student and parents will be subject to questioning by the principal or designee and shall be entitled to question school personnel involved in the matter being grieved.

If the grievance is not resolved after the informal conference, the parents and student may present a written or oral grievance to the Superintendent or designee. The grievance must be presented to the Superintendent or designee within five (5) school business days following the informal conference. The Superintendent or designee will notify the student and the student's parents in writing of their decision within ten (10) school business days of receiving the grievance.

Use of this grievance process will not impede or postpone the disciplinary action unless the principal or Superintendent elects to postpone such action.

Discipline that may be grieved under this section includes classroom exclusions and other forms of discipline, including detention, removal or suspension from athletic activity or participation and removal or suspension from school-provided transportation.

#### **General Conditions for Suspensions and Expulsions**

- No student will be expelled, suspended or disciplined in any manner for the performance of or failure to perform any act not related to the orderly maintenance and operation of the school or school-sponsored activities or any other aspect of the educational process, including but not limited to the preservation of the health and safety of students and employees and the preservation of an educational process that is conducive to learning.
- Before administering a suspension or expulsion, the Superintendent or designee will consider the student's individual circumstances and the nature and circumstances of the behavioral violation to determine whether the suspension or expulsion, and the length of the exclusion, is warranted.
- An expulsion or suspension of a student may not be for an indefinite period and must have an end date. After suspending or expelling a student, the District will make reasonable efforts to return the student to the student's regular educational setting as soon as possible. Students may petition for readmission at any time.
- Students may not be suspended or expelled from school for absence or tardiness.
- Principals will report all suspensions and expulsions and the reasons therefor to the Superintendent or designee within twenty-four (24) hours after the imposing the suspension.
- When administering a suspension or expulsion, the District may deny a student admission to, or entry upon, real and personal property that the District owns, leases, rents, or controls.

### **Notification of Suspensions or Expulsions of Students Eligible for Special Education**

The principal will notify special education staff of any suspensions or expulsions to be imposed on a student who is currently eligible for special education services. To the extent that suspensions or emergency removals may cumulatively or consecutively exceed ten (10) school days, the principal will notify relevant special education administrator(s) so that the District can comply with special education discipline procedures.

### **In-School and Short-term Suspensions**

#### **Conditions and limitations**

Before administering an in-school or short-term suspension, the District must first attempt one or more other forms of discipline to support the student in meeting behavior expectations, which may include the examples set forth above in the section titled **Supporting Students with Other Forms of Discipline**.

The types of behavioral violations for which the District may administer a short-term suspension include the following categories of behaviors, among other behavioral violations, including those set forth in RCW 28A.600.015(6)(a)-(d):

- Arson
- Assault
- Being under the influence of drugs, alcohol and mind-altering substances or other violations related to such substances, including possession, sale or delivery
- Bomb threats or false alarms that cause a disruption to the school process
- Cheating or disclosure of exams
- Criminal activity
- Defaming another person
- Destruction of property
- Disruptive conduct, including conduct which knowingly creates a disturbance such as: occupying a school building or school grounds in order to deprive others of its use; blocking the entrance or exit of any school building or room in order to deprive others of passing through; preventing students from attending a class or school activity; blocking normal pedestrian or vehicular traffic on a school campus; interfering seriously with the conduct of any class or activity
- Disruptive dress and appearance
- Endangering self, other students or staff
- Engaging in extortion, blackmail or coercion
- Fighting, including instigating, promoting, or escalating a fight, and failure to disperse from a fight, regardless of who initiated the fight.
- Forgery
- Gang-related activity
- Harassment, intimidation or bullying
- Lewd conduct
- Making false statements or accusations that undermine the health, safety and security of the community
- Misuse of internet, network or email or inappropriate use of District computer resources
- Refusing to cease prohibited behavior or follow the lawful instructions of school personnel
- Sexual misconduct that could constitute sexual assault or harassment
- Theft
- Threats of violence or to kill another person
- Trespassing or refusing to leave when ordered to do so
- Verbal abuse
- Use, possession, sale or delivery of tobacco substances including, but not limited to, cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, nicotine, electronic smoking/vapor devices and vapor products, non-prescribed inhalers,

nicotine delivery devices or chemicals that are not FDA-approved to help people quit using tobacco, devices that produce the same flavor or physical effect of nicotine substances and any other smoking equipment, device, material or innovation

- Use of motor vehicles on school property in a way that jeopardizes safety or property
- Use or possession of weapons or explosives
- Violation of terms of suspension

This list does not reflect all types of behavioral violations for which the District may administer discipline. The District is not required to administer a short-term or in-school suspension for the above behavioral violations, and may administer appropriate discipline as allowed in this Procedure after consideration of the individual circumstances involved.

**Duration**

A short-term or in-school suspension may not be administered beyond the school year in which the behavioral violation occurred.

No student in grades kindergarten through fourth grade shall be subject to short-term suspension for more than a total of ten (10) cumulative school days during any single semester or trimester.

No student in fifth grade and above shall be subject to short-term suspension for more than a total of fifteen (15) cumulative school days during any single semester or ten (10) cumulative school days during any single trimester.

**In-school suspension**

When administering an in-school suspension, school personnel must ensure they are physically in the same location as the student to provide direct supervision during the duration of the in-school suspension. Additionally, school personnel must ensure they are accessible to offer support to keep the student current with assignments and course work for the student's regular subjects or classes.

**Initial hearing prior to suspension**

Before administering an in-school or short-term suspension, the principal or designee will conduct an informal initial hearing with the student for the purpose of hearing the student's perspective. At the initial hearing, the principal or designee must provide:

- Notice of the student's violation of the District's discipline Regulation;
- An explanation of the evidence regarding the behavioral violations;
- An explanation of the short-term suspension that may be imposed; and
- An opportunity for the student to share his/her perspective and provide an explanation regarding the behavioral violation.

At this initial hearing, the principal or designee must provide the student an opportunity to contact the student's parents.

Following the initial hearing, the principal or designee must inform the student of the decision regarding the behavioral violation, including the date on which the suspension will begin and end.

**Notice of suspension**

Before administering an in-school or short-term suspension, the District must first attempt to notify the student's parents, as soon as reasonably possible, regarding the behavioral violation.

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

- A description of the student's behavior and how the behavior violated the District's discipline Regulation;
- The duration and conditions of the suspension, including the dates on which it will begin and end;
- The other forms of discipline the District considered or attempted, and an explanation of the District's decision to administer the suspension;
- The opportunity to receive educational services during the suspension;
- The right to an informal conference with the principal or designee, as set forth below; and
- The student's and parents' right to appeal the suspension through the procedures set forth below, including where and to whom the appeal must be requested;

**Appeal and review process for short-term suspension**

The appeal and review process for in-school and short-term suspensions is set forth in the section below titled **Appeal and Reconsideration of Suspensions and Expulsions**.

**Long-term Suspensions and Expulsions****Conditions and limitations**

The District can administer a long-term suspension only for the behavioral violations set forth in RCW 28A.600.015(6)(a)-(d) if the District has determined that, if the student returns to school before completing a long-term suspension, the student would (1) pose an imminent danger to students or school personnel, or (2) pose an imminent threat of material and substantial disruption of the educational process.

The District can administer an expulsion only for the behavioral violations set forth in RCW 28A.600.015(6)(a)-(d) if the District has determined that, if the student returns to school before completing an expulsion, the student would pose an imminent danger to students or school personnel.

The behavioral violations in RCW 28A.600.015(6)(a)-(d) are as follows:

- A. Having a firearm on school property or school transportation in violation of RCW 28A.600.420.
- B. Any of the following offenses listed in RCW 13.04.155, including:
  - 1. any violent offense as defined in RCW 9.94A.030, including
    - a. any felony that Washington law defines as a class A felony or an attempt, criminal conspiracy, or solicitation to commit a class A felony;
    - b. manslaughter in the first or second degree;
    - c. indecent liberties committed by forcible compulsion;
    - d. kidnapping in the second degree;
    - e. arson in the second degree;
    - f. assault in the second degree;
    - g. assault of a child in the second degree;
    - h. extortion in the first degree;
    - i. robbery in the second degree;
    - j. drive-by shooting; and
    - k. vehicular assault caused by operating or driving a vehicle while under the influence of intoxicating liquor or any drug, or by operating a vehicle in a reckless manner;
  - 2. any sex offense as defined in RCW 9.94A.030, which includes any felony violation of chapter 9A.44 RCW (other than failure to register as a sex offender in violation of 9A.44.132), including rape, rape of a child, child molestation, sexual misconduct with a minor, indecent liberties, voyeurism; a felony violation of RCW 9A.64.020; a felony violation of chapter 9.68A RCW (other than RCW 9.68A.080); a criminal attempt, solicitation, or conspiracy to commit a sex offense; and any felony conviction or adjudication with a sexual motivation finding;
  - 3. any crime under chapter 9.41 RCW, including having a dangerous weapon at school in violation of RCW 9.41.280; or
  - 4. unlawful possession or delivery, or both, of a controlled substance in violation of chapter 69.50 RCW.
- C. Two or more violations of the following within a three-year period:
  - 1. criminal gang intimidation in violation of RCW 9A.46.120;
  - 2. gang activity on school grounds in violation of RCW 28A.600.455;
  - 3. willfully disobeying school administrative personnel in violation of RCW 28A.635.020; and
  - 4. defacing or injuring school property in violation of RCW 28A.635.060.
- D. Any student behavior that adversely impacts the health or safety of other students or educational staff.

As used in this Procedure, the phrase “student behavior that adversely impacts the health or safety of other students or educational staff” includes, but is not limited to, the following examples:

- Abusive behavior, lewd conduct, harassment and/or sexual harassment

- Assault, threats, extortion, causing physical injury or damage to school property
- Behavior that constitutes harassment, intimidation and bullying under Regulation 3207 where such acts adversely impact health and safety of students or staff
- Criminal acts
- Dangerous weapons, instruments & activities
- Fighting
- Disruptive conduct
- False alarms

Before administering a long-term suspension or expulsion, the District must consider other forms of discipline to support the student in meeting behavior expectations, as well as the general conditions and limitations set forth in this Procedure.

**Length of exclusion**

A long-term suspension may not exceed the length of an academic term. A long-term suspension may not be administered beyond the school year in which the behavioral violation occurred.

An expulsion may not exceed the length of an academic term, unless the Superintendent grants a petition to extend the expulsion per the procedure set forth in the section below titled **Petition for Extension of Expulsion**. An expulsion may be administered beyond the school year in which the behavioral violation occurs.

Except for violations of WAC 392-400-820 governing firearms, no student in kindergarten through fourth grade will be long-term suspended or expelled.

**Firearms exceptions**

Any student who is determined to have carried or possessed a firearm on school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools, will be expelled from school for not less than one year pursuant to RCW 28A.600.420 and WAC 392-400-820 with notification to parents and law enforcement.

The District may suspend or expel any student for up to one year pursuant to RCW 28A.600.420 and WAC 392-400-820 if the student acts with malice, as defined under RCW 9A.04.110, and displays an instrument that appears to be a firearm on school premises, school-provided transportation, or areas of facilities while being used exclusively by public schools.

**Initial hearing**

Before administering a long-term suspension or expulsion, the principal or designee will conduct an informal initial hearing with the student for the purpose of hearing the student's perspective. At the initial hearing, the principal or designee must provide:

- Notice of the student's violation of the District's discipline Regulation;
- An explanation of the evidence regarding the behavioral violation;
- An explanation of the discipline that may be administered; and

- An opportunity for the student to share his/her perspective and provide an explanation regarding the behavioral violation.

At this initial hearing, the principal or designee must make a reasonable attempt to contact the student's parents to provide the parents the opportunity to participate in the initial hearing in person or by telephone.

Following the initial hearing, the principal or designee must follow the notice procedures below to inform the student of the decision regarding the behavioral violation.

**Notice requirements**

Before administering any long-term suspension or non-emergency expulsion, the District must attempt to notify the student's parents, as soon as reasonably possible, regarding the behavioral violation.

No later than one (1) school business day following the initial hearing described above, the District must provide written notice of the suspension or non-emergency expulsion in person, by mail or by email to the student and to the student's parent. Such notice will include:

- A description of the student's behavior and how the behavior violated the District's discipline Regulation;
- The duration and conditions of the suspension or expulsion, including the dates on which the suspension or expulsion will begin and end;
- The other forms of discipline the District considered or attempted, and an explanation of the District's decision to administer the suspension or expulsion;
- The opportunity to receive educational services during the suspension or expulsion;
- The right to an informal conference with the principal or designee, as set forth below;
- The student's and parents' right to appeal the suspension or expulsion through the procedures set forth below, including where and to whom the appeal must be requested; and
- For long-term suspensions or expulsions, the opportunity for the student and parents to participate in a reengagement meeting.

**Appeal and review process for long-term suspensions and expulsions**

The appeal and review process for long-term suspensions and expulsions is set forth in the section below titled **Appeal and Reconsideration of Suspensions and Expulsions**.

**Petition for extension of expulsion**

The principal or designee may petition the Superintendent for authorization to exceed the length of an academic term for a student's expulsion when warranted because of a risk to public health

and safety. The petition may be submitted only after the development of a reengagement plan and before the end of the expulsion. For violations of WAC 392-400-820 regarding firearms or instruments that appear to be firearms, the principal or designee may petition to extend an expulsion at any time.

The petition must include:

- The behavioral violation that resulted in the expulsion and the public health or safety concerns of the District;
- The student's academic, attendance and discipline history;
- Any nonacademic supports and behavioral services the student was offered or received during the expulsion;
- The student's academic progress during the expulsion and the educational services available to the student during the expulsion;
- The proposed extended length of the expulsion, which shall not exceed the length of an academic term; and
- The student's reengagement plan.

The District must provide written notice of the petition in person, by mail or by email to the student and parents within one (1) school business day from the date the Superintendent or designee receives the petition. The written notice must include:

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

Within ten (10) school business days after receiving the petition, the Superintendent or designee will deliver a written decision to the principal, the student and the student's parents in person, by mail or by email indicating whether the petition is granted or denied. The Superintendent or designee may grant the petition only if there is substantial evidence that, if the student was to return to the student's previous school placement after the length of an academic term, the student would pose a risk to public health or safety.

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

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

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

If the petition is granted, within ten (10) school business days of receipt of the written decision, the student and/or parents may request the school board review and reconsider the decision to extend the expulsion. This request may be made orally or in writing. The school board may request to meet with the student or parents or the principal to hear further arguments and gather additional information. The decision of the school board may be made only by board members who were not involved in the behavioral violation, the decision to expel the student, or the appeal decision.

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

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

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

### **Emergency Removals**

#### **Conditions and limitations**

A student may be immediately removed from the student's current school placement by the Superintendent or designee if there is sufficient cause to believe the student's presence poses an immediate and continuing danger to other students or school personnel, or poses an immediate and continuing threat of material and substantial disruption of the educational process.

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

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

An emergency removal may not exceed ten (10) consecutive school days. An emergency removal must end or be converted to another form of discipline within ten (10) school days of the date of the removal. If the emergency removal is converted to another form of discipline, the District will apply any days that the student was emergency removed to the total length of the suspension or expulsion, and provide the student and parents with the notice and due process rights in this Procedure.

**Notice of emergency removal**

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

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

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

**Appeal and review process for emergency removals**

The appeal and review process for emergency removals is set forth in the section below titled **Appeal and Reconsideration of Suspensions and Expulsions**.

**Appeal and Reconsideration of Suspensions and Expulsions**

The following procedures apply to the appeal and review and reconsideration of short-term suspensions, long-term suspensions, expulsions and emergency removals.

**Optional informal conference with principal**

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

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

During the informal conference, the student and parents will have the opportunity to share the student's perspective and explanation regarding the behavioral violation. For suspensions and non-emergency expulsions, the student and parents also will have the opportunity to confer with the principal or designee and school personnel involved in the incident that led to the suspension or expulsion, and discuss other forms of discipline that may be administered.

An informal conference will not limit the right of the student or parents to appeal the suspension, expulsion or emergency removal, to participate in a reengagement meeting for long-term suspensions or expulsions, or to petition for readmission.

### **Appeals of Suspensions and Expulsions to Superintendent or Designee**

A student or parents may appeal any suspension, expulsion or emergency removal to the Superintendent or designee orally or in writing.

For suspensions or expulsions, the request for appeal must be made within five (5) school business days from when the District provided the student and parent with written notice of the suspension or expulsion.

For emergency removals, the request for appeal must be made within three (3) school business days from when the District provided the student and parent with written notice of the emergency removal.

### **Appeal procedures for short-term suspensions**

For an appeal of a short-term suspension, the Superintendent or designee will provide the student and parents the opportunity to share the student's perspective and explanation regarding the behavioral violation giving rise to the short-term suspension orally or in writing.

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

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

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

**Appeal procedures for long-term suspensions, expulsions and emergency removals**

For appeals of long-term suspensions, expulsions and emergency removals, the District will follow the hearing procedures set forth below.

**Notice of hearing**

The Superintendent or designee will provide the student and parents written notice in person, by mail, or by email, within one (1) school business day after receiving the appeal request, unless the parties agree to a different timeline. Written notice will include:

- The time, date, and location of the appeal hearing;
- The name(s) of the official(s) presiding over the appeal;
- The right of the student and parents to inspect the student's education records;
- The right of the student and parents to inspect any documentary or physical evidence and a list of any witnesses that will be introduced at the hearing;
- The rights of the student and parents to be represented by legal counsel; question witnesses; share the student's perspective and explanation; and introduce relevant documentary, physical, or testimonial evidence; and
- For long-term suspensions and non-emergency expulsions, whether the District will offer a reengagement meeting before the appeal hearing. The student, parents and District may agree to hold such a meeting and develop a reengagement plan before the appeal hearing and may agree to postpone the appeal hearing while participating in this process.

**Timing of hearing**

For long-term suspensions or expulsions, the District will hold an appeal hearing within three (3) school business days after the Superintendent or designee received the appeal request, unless otherwise agreed to by the student and parents.

For emergency removals, the District will hold an appeal hearing within two (2) school business days after the Superintendent or designee received the appeal request, unless otherwise agreed to by the student and parents.

**Hearing procedures**

The appeal hearing shall be conducted by a hearing officer designated by the Superintendent to hear and decide appeals pursuant to this Procedure. The hearing officer will not have been involved in the student's behavioral violation or decision to suspend or expel the student and will be knowledgeable about the discipline rules and the District's discipline Regulations and procedures.

Upon request, the student, parents and District may inspect any documentary or physical evidence and list of any witnesses that will be introduced at the appeal hearing. This information

shall be made available as soon as reasonably possible, but no later than the end of the school business day before the appeal hearing.

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

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

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

At the hearing, the student and parents have the right to be represented by legal counsel; question witnesses; share the student's perspective and provide explanation regarding the behavioral violation; and introduce relevant documentary, physical or testimonial evidence.

**Recording of hearing**

The District will record the appeal hearing by analog, digital or other type of recording device and upon request of the student or parents provide them a copy of the recording.

**Hearing decision**

For appeals of long-term suspensions or expulsions, the presiding official will provide a written decision to the student and parents in person, by mail, or by email within three (3) school business days after the appeal hearing. The written decision will be based solely on the evidence presented at the hearing and must include:

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

For emergency removals, the District will provide a written decision to the student and parents in person, by mail, or by email within one (1) school business day after the appeal hearing. The written decision must include:

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

**Discipline pending appeal**

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

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

**Review and Reconsideration by School Board**

The student or parents may request the school board review and reconsider the District's appeal decision for all suspensions, expulsions and emergency removals. This request may be either orally or in writing.

**Timing**

For suspensions or expulsions, the student or parents must request review within ten (10) school business days from when the District provided the student and parents with the written appeal decision.

For emergency removals, the student or parents must request a review within five (5) school business days from when the District provided the student and parents with the written appeal decision.

**Review process**

In reviewing the District's decision, the school board:

- Must consider all documentary and physical evidence related to the behavioral violation; any records from the appeal hearing; relevant state law; and the District's discipline Regulations and procedures.
- May request to meet with the student and parents, the principal, witnesses, and/or school personnel to hear further arguments and gather additional information.
- Will render a decision made only by board members who were not involved in (i) the behavioral violation; (ii) the decision to suspend or expel the student; or (iii) the Superintendent or designee's appeal decision.

**Decision**

For review of suspensions and non-emergency expulsions, the school board will provide a written decision to the student and parents in person, by mail, or by email within ten (10) school business days after receiving the request for review and reconsideration. The written decision must identify:

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

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

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

**Educational Services**

During a suspension, expulsion, or emergency removal, the District will provide the student with the opportunity to receive educational services that enable the student to continue to participate in the general education curriculum, meet the District's educational standards and complete subject, grade-level, and graduation requirements.

In providing the opportunity to receive these services, the District will consider: (a) meaningful input from the student, parents, and student's teacher(s); (b) whether the student's regular educational services include English language development services, special education services, accommodations and related services under Section 504 of the Rehabilitation Act of 1973, or supplemental services designed to support the student's academic achievement; and (c) access to any necessary technology, transportation, or resources the student needs to participate in the educational services.

The District may provide educational services in an alternative setting or modify the suspension or expulsion on a case-by-case basis. An alternative setting should be comparable, equitable and appropriate to the regular educational services a student would have received without the exclusionary discipline.

As soon as reasonably possible after administering a suspension or expulsion, the District will provide written notice to the student and parents in person, by mail, or by email that includes:

- A description of the educational services that will be provided; and
- The name and contact information for the school personnel who can offer support to keep the student current with assignments and course work.

For suspensions or emergency removals **for up to five consecutive school days**, the District will provide:

- Course work, including any assigned homework, from the student's regular subjects or classes;
- Access to school personnel who can offer support to keep the student current with assignments and course work for the student's regular subjects or classes; and
- An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency removal.

For suspensions or emergency removals **for six to ten consecutive school days**, the District will provide:

- Course work, including any assigned homework, from the student's regular subjects or classes;

- Access to school personnel who can offer support to keep the student current with assignments and course work for the student's regular subjects or classes. School personnel will make a reasonable attempt to contact the student or parents within three business days after the suspension or expulsion begins to:
  - Coordinate the delivery and grading of course work between the student and the student's teacher(s) at a frequency that would allow the student to keep current with assignments and course work for the student's regular subjects or classes; and
  - Communicate with the student, parents, and the student's teacher(s) about the student's academic progress.
- An opportunity for the student to make up any assignments and tests missed during the period of suspension or emergency removal.

For suspensions or expulsions **for more than ten consecutive school days**, the District will provide educational services in accordance with WAC 392-121-107.

### **Reengagement Meeting and Plan**

After imposing a long-term suspension or expulsion, the District will contact the student and parents to schedule a time and location for a reengagement meeting to discuss a plan to reengage the student.

A reengagement meeting must be held: (a) within twenty (20) calendar days of the start of the student's long-term suspension or expulsion, but no later than five (5) calendar days before the student returns to school; or (b) as soon as reasonably possible, if the student or parents request a prompt reengagement meeting.

The District will collaborate with the student and parents to develop a culturally sensitive and culturally responsive reengagement plan tailored to the student's individual circumstances to support the student in successfully returning to school.

In developing the reengagement plan, the District will consider:

- The nature and circumstances of the incident that led to the student's suspension or expulsion;
- As appropriate, the student's cultural history and context, family cultural norms and values, community resources, and community and parent outreach;
- Shortening the length of time that the student is suspended or expelled;
- Providing academic and nonacademic supports that aid in the student's academic success and keep the student engaged and on track to graduate; and

- Supporting the student, parents or school personnel in taking action to remedy the circumstances that resulted in the suspension or expulsion and preventing similar circumstances from recurring.

The District will document the reengagement plan and provide a copy of the plan to the student and parents. A reengagement meeting does not replace an appeal hearing or a petition for readmission.

### **Readmission Application Process**

Any student who has been suspended or expelled will be allowed to make application for readmission at any time. If a student desires to be readmitted to the school from which they have been suspended or expelled, the student will submit a written application to the District executive director for the student's appropriate grade level, who will recommend admission or non-admission and any conditions for readmission. If a student wishes admission to another school, they will submit the written application to the Superintendent. The application will include:

- Reasons the student wants to return and why the request should be considered;
- Evidence that supports the request and addresses reasonable requirements established by the District as part of the reengagement process; and
- A supporting statement from the parent or others who may have assisted the student.

The Superintendent will advise the student and parents of the decision within seven (7) school days of the receipt of such application.

### **Behavior Agreements**

The District may enter into behavior agreements with students and parents in response to behavior violations, including agreements to reduce the length of a suspension conditioned on participation in treatment services, agreements in lieu of suspension or expulsion or agreements holding a suspension or expulsion in abeyance. The duration of a behavior agreement may not exceed the length of an academic term.

A behavior agreement may not waive a student's opportunity to participate in a reengagement meeting or to receive educational services during a suspension, expulsion or emergency removal.

Entering into a behavior agreement with students and parents does not preclude the District from administering discipline for behavioral violations that occur after the agreement is entered.

### **Exceptions for Purposes of Protecting Victims**

In accordance with RCW 28A.600.460, the District may preclude a student from returning to his/her regular educational setting following the end of a suspension or expulsion for the purpose of protecting victims of certain offenses, as follows:

## **Student Discipline– 3241P**

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- Teacher victim: A student who commits an offense under RCW 28A.600.460(2) that is directed toward a teacher shall not be assigned to that teacher's classroom for the duration of the student's attendance at that school or any other school where the teacher is assigned.
- Student victim: A student who commits an offense under RCW 28A.600.460(3) that is directed toward another student may be removed from the victim's classroom for the duration of the student's attendance at that school or any other school where the victim is enrolled.



2025-26 Human Resources New Hire Orientation



ISSAQUAH  
**SCHOOL DISTRICT 411**

# Regulation 3421

## Child Abuse, Neglect and Exploitation Prevention

## Child Abuse, Neglect, and Exploitation Prevention- 3421

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Because child abuse and neglect are both a violation of children's human rights and an obstacle to their educational development, all District personnel shall be alert for any evidence of such abuse or neglect.

For purposes of this Regulation, *child abuse* or *neglect* shall mean the injury, sexual abuse, sexual exploitation or negligent treatment or maltreatment of a child or dependent adult by any person under circumstances which indicate that the child's or dependent adult's health, welfare, and safety is harmed or is placed in clear and present danger thereby.

Personnel need not verify that a child has in fact been abused or neglected. Any conditions or information that may reasonably be related to abuse or neglect should be reported. Legal authorities have the responsibility for investigating each case and taking action that is appropriate under the circumstances.

When feasible, the District will provide community education programs for prospective parents, foster parents and adoptive parents on parenting skills; on the problems of child abuse; and methods to avoid child abuse situations. The District shall also encourage staff members to participate in in-service programs that deal with child abuse issues.

All cases of child abuse or neglect must be reported by school personnel (classified and certificated staff) in accordance with RCW 26.44.040. The law frees staff members from liability for reporting, in good faith, instances of abuse or neglect and holds staff members criminally liable for failure to properly report. The superintendent shall develop reporting procedures, including sample indicators of abuse and neglect, and shall disseminate the procedures to all school personnel. The purpose is to identify and report as soon as reasonably possible to the proper authorities all evidence of child abuse or neglect.

### Cross References:

|            |      |                                                              |
|------------|------|--------------------------------------------------------------|
| Regulation | 4310 | Interviews and Interrogations of Students on School Premises |
|------------|------|--------------------------------------------------------------|

### Legal References:

|     |              |                                                                               |
|-----|--------------|-------------------------------------------------------------------------------|
| RCW | 13.34.300    | Failure to cause juvenile to attend school as evidence under neglect petition |
|     | 26.44.020    | Child abuse—Definitions                                                       |
|     | 26.44.030    | Reports—Duty and authority to make—Duty of receiving agency                   |
|     | 28A.320.160  | Alleged sexual misconduct by school employee—Parental notification—           |
|     |              | Information on public records act                                             |
|     | 28A.400.317  | Physical abuse or sexual misconduct by school employees—Duty to Report—       |
|     |              | Training                                                                      |
|     | 28A.620.010  | Community education provisions—                                               |
|     |              | Purposes                                                                      |
|     | 28A.620.020  | Community education provisions—                                               |
| WAC | 43.43.830(6) | Background checks—Access to children or vulnerable persons                    |
|     | 388-15-009   | What is child abuse or neglect?                                               |

## Child Abuse, Neglect, and Exploitation Prevention - 3421P

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The following procedures are to be used in reporting instances of suspected abuse or neglect:

- A. When school personnel (classified and certificated staff) has reasonable cause to believe that a child has suffered abuse or neglect, they shall report such incident, or cause a report to be made, to the proper law enforcement agency or the Department as provided in RCW 26.44.040. This report must be made at the first opportunity, but in no case longer than forty-eight (48) hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.
- B. When possible, the report should be made in the presence of the principal. The principal shall, in all cases, be immediately informed of reports to law enforcement or the department of Social and Health Services (DSHS)/Child Protective Services (CPS).
- C. A certificated or classified school employee who has knowledge or reasonable cause to believe that a student has been a victim of physical abuse or sexual misconduct by another school employee will report such abuse or misconduct to the appropriate school administrator and District Administration. The administrator will report to the proper law enforcement agency if they have reasonable cause to believe that the abuse or misconduct has occurred, as required under RCW 26.44.030. Such report must be made within forty-eight (48) hours. During the process of making a reasonable cause determination, the administrator will contact all parties involved in the complaint. Within forty-eight (48) hours of receiving a report, the administrator must also notify the parents of a student alleged to be the victim, target, or recipient of the abuse and/or misconduct.
- D. Any doubt about the condition of the child or dependent adult shall be resolved in favor of making the report. The legal authority to whom the report is made has the responsibility of determining the fact of abuse or neglect. At times, a staff person may wish to discuss the circumstances with an employee of CPS for assistance in determining whether a report should be made and is encouraged to do so.
- E. When a report is made, the reporting staff member shall secure and complete the Child Abuse/Neglect Report to Child Protective Services (3421F1), submitting the original to the principal and one copy to the Assistant Director of Compliance. This form shall include the following:
  - 1. The name, address, and age of the child or dependent adult;
  - 2. The name and address of the parent or person having custody of the child or dependent adult;
  - 3. The nature and extent of the injury, abuse or neglect; and
  - 4. Any information about previous injuries, neglect, abuse or information relating to the cause or extent of the injury, abuse, neglect and/or the identity of the perpetrator(s).

The copy of the report retained in the building shall be filed separately from the student's standard and supplementary records.

## **Child Abuse, Neglect, and Exploitation Prevention - 3421P**

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- F. At a minimum, the school's record of the interview/interrogation (3421F2) will document the date, time, place, and length of the interview; the student name and consent to be interviewed, the interviewing officer; and any third or additional parties present.
- G. Information/records may be disclosed without parental consent to Child's Protective Services who request such information in their investigation, pursuant to RCW 26.44.030(12)(b).

H. Sample Indicators of Abuse

1. Information given by the child or dependent adult;
2. Bilateral bruises, extensive bruises, bruises of different ages, patterns of bruises caused by a particular instrument (belt buckle, wire, straight edge, coat hanger, etc.);
3. Burn patterns consistent with forced immersion in a hot liquid (a distinct boundary line where the burn stops), burn patterns consistent with a spattering by hot liquids, patterns caused by a particular kind of implement (electric iron, etc.) or instrument (circular cigarette burns, etc.);
4. Lacerations, welts, abrasions;
5. Injuries inconsistent with information offered by the child or dependent adult; and/or
6. Injuries inconsistent with the child's age.
7. Sexual abuse, whether physical injuries are sustained or not, is any act or acts involving sexual molestation or exploitation, including but not limited to incest, rape, carnal knowledge, sodomy or unnatural or perverted sexual practices. Indicators include the following:
  1. child having difficulty sitting down or other evidence of physical trauma to the oral, genital or anal areas;
  2. child refusing to change into gym clothes (when they have been willing to change clothes in the past);
  3. child running away from home and not giving any specific complaint about what is wrong at home; and/or
  4. child "dropping" lots of questions to the nurse about how pregnancy occurs.

I. Sample Indicators of Neglect

1. Information given by the child or dependent adult;
2. Lack of basic needs (food, clothing, shelter);
3. Inadequate supervision (unattended);
4. Lack of essential health care and high incidence of illness;
5. Poor hygiene on a regular basis;
6. Irregular school attendance;
7. Long working hours; and/or
8. Continuous friction in the home, marital discord, mentally ill parents.

*NOTE: The above examples do not prove that injury, abuse or neglect has actually occurred, but they provide evidence for further investigation.*



ISSAQUAH  
**SCHOOL DISTRICT 411**

# Regulation 4215

## Use of Tobacco on District Property

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**Use of Tobacco on District Property- 4215**

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The District recognizes that to protect students from exposure to the addictive substance of nicotine, employees and officers of the school District, and all members of the community, have an obligation as role models to refrain from tobacco use on school property at all times. Tobacco includes, but is not limited to cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, nicotine, electronic smoking/vapor devices, and vapor products, non-prescribed inhalers nicotine delivering devices, chemicals or devices that produce the same flavor or physical effect of nicotine substances; and any other tobacco innovation.

Any use of such products by staff, students, visitors and community members shall be prohibited on District property. Possession or distribution of tobacco products by any person under twenty-one years of age is prohibited. This shall include all District buildings, grounds and District-owned vehicles.

Notices advising students, employees and community members of this Regulation will be posted in appropriate locations in all District buildings and at other District facilities as determined by the superintendent and shall be included in the employee and student handbooks. Employees and students are subject to discipline for violations of this Regulation, and employees are responsible for the enforcement of the Regulation.

**Cross References:**

|            |      |                                                         |
|------------|------|---------------------------------------------------------|
| Regulation | 3200 | Student Rights and Responsibilities                     |
| Regulation | 3241 | Classroom Management, Corrective Actions or Punishments |
| Regulation | 5280 | Termination of Employment                               |

**Legal References**

|                  |                                                                                                   |
|------------------|---------------------------------------------------------------------------------------------------|
| RCW 28A.210.310  | Prohibition on use of tobacco products on school property                                         |
| RCW 70.155.080   | Purchasing, obtaining or possessing tobacco by persons under 18 — Civil infraction — Jurisdiction |
| RCW 70.155.010   | Definitions.                                                                                      |
| RCW 82.24.010(2) | Definitions.                                                                                      |
| RCW 82.26.010(1) | Definitions.                                                                                      |

2025-26 Human Resources New Hire Orientation



ISSAQUAH  
**SCHOOL DISTRICT 411**

# Regulation 4320

## Distribution of Materials and Promotions

## **Distribution of Materials and Promotions - 4320**

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The District recognizes that organizations may want to access its resources to promote events, organize fundraising activities, distribute materials to students, families, and staff or other information. The District is legally committed to using its public resources, including communication systems, to pursue its educational mission. Access to District resources, therefore, will be in accordance with promoting social, recreational or educational value for students and providing equal access to organizations based on their alignment with the educational mission.

All printed material, papers, signs, leaflets, flyers, and brochures, electronic messages, yard signs, reader-board messages, live presentations, or any other requests to distribute information from non-school organizations in any form must be approved by the superintendent or their designee prior to distribution.

Student and district employee organizations are considered school agencies for purposes of this policy.

**Cross References:** Board Policy 2340 Religious-Related Activities and Practices  
Board Policy 3220 Freedom of Expression

**Management Resources:**  
*Policy News*, April 2005 Distribution of Materials



2025-26 Human Resources New Hire Orientation



ISSAQUAH  
**SCHOOL DISTRICT 411**

# Regulation 5010

## Nondiscrimination and

## Affirmative Action

## Regulation

# Nondiscrimination and Affirmative Action - 5010

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### Definition

“Protected status” is short for the phrase “age, sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, marital status, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability.”

### Nondiscrimination

The District is committed to an educational and working environment free from discrimination and harassment based on a person's protected status.

The District will not deny any person the benefit of, or subject any person to discrimination in employment, recruitment, promotion, advancement, consideration, or selection in connection with employment based on their protected status.

The District will make all employment decisions in a non-discriminatory manner and will not limit, segregate, or classify any person in a way that could adversely affect their employment opportunities or status based on their protected status.

The District will not enter into any contractual or other relationship that directly or indirectly results in the discrimination of any person in connection with employment based on their protected status.

The District will not grant preferential treatment to applications for employment based on an applicant's enrollment at any education institution or entity that only predominantly admits students based on sex, race, color, or national origin if the giving of such preferences has the effect of discriminating based on sex, race, color, or national origin.

### Equal Employment Opportunity

The District will provide equal employment opportunity and treatment for all applicants and staff in recruitment, hiring, retention, assignment, transfer, promotion, and training.

### Examples of Employment Discrimination

Employment discrimination may include the following:

1. Unfair treatment based on an employee's protected status, including unfair or separate treatment in pay scale, assignment of duties, opportunities for advancement, conditions of employment, hiring practices, leaves of absence, hours of employment, and assignment of instructional and non-instructional duties.
2. Harassment based on an employee's protected status by supervisors, co-workers, or others in the workplace that is so severe or persistent that it creates a hostile environment.

**Regulation**

**Nondiscrimination and Affirmative Action - 5010**

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3. Denial of a reasonable workplace accommodation that an employee needs because of religious beliefs or a disability.
4. Retaliation because an employee complained about employment discrimination or assisted with an employment discrimination investigation or lawsuit.
5. Making employment or placement decisions based on stereotypes or assumptions about one's protected status.
6. Discriminating against individuals married to or otherwise associated with people of a certain group.
7. Prohibiting an employee from using the restroom consistent with his or her gender identity.

These are examples of employment discrimination and are not an exhaustive list.

### **Discriminatory Harassment**

The District prohibits discriminatory harassment in the workplace. Discriminatory harassment is unwelcome or offensive conduct directed toward a person based on their protected status that is sufficiently severe or pervasive to create an environment that a reasonable person would consider intimidating, hostile, or offensive. Petty slights, annoyances, or isolated incidents, unless extremely serious, will not rise to the level of discriminatory harassment.

Harassing conduct may include, but is not limited to, offensive jokes, slurs, epithets, name-calling, physical assaults, threats, intimidation, ridicule, mockery, insults, put-downs, offensive objects or pictures, and interference with work performance.

When the District becomes aware of potential discriminatory harassment, it will promptly investigate the conduct and, as appropriate, take reasonable steps to prevent and promptly correct the harassing conduct.

### **Employment of Persons with Disabilities**

To fulfill its commitment of nondiscrimination to those with disabilities, the following conditions will prevail:

1. The District will not discriminate against a qualified individual based on their disability, nor will the District limit, segregate, or classify any applicants for employment or any staff member in any way that adversely affects their opportunities or status because of their disability. This prohibition applies to all aspects of employment from recruitment to promotions and includes fringe benefits and other elements of compensation.

## **Nondiscrimination and Affirmative Action - 5010**

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2. The District will reasonably accommodate the known physical or mental limitations of an otherwise qualified disabled applicant or staff member unless it is clear that an accommodation would impose an undue hardship.

Reasonable accommodations may include making facilities used by staff readily accessible and usable by persons with disabilities; job restructuring; part-time or modified work schedules; acquisition or modification of equipment or devices; the provision of readers or interpreters; and other similar actions.

An undue hardship means an accommodation would be unduly costly, extensive, substantial or disruptive or would fundamentally alter the nature or operation of the District. In determining whether an accommodation would impose an undue hardship on the District, the District may consider, among other things, the cost of the accommodation, the District's size, the District's financial resources, and the nature and structure of its operations.

3. The District will not use any employment tests or criteria that screen out persons with disabilities unless the test or criteria is clearly and specifically job-related, and the District will not use such tests or criteria if alternative tests or criteria that do not screen out persons with disabilities are available.
4. While the District may not make pre-employment inquiries as to whether an applicant has a disability or as to the nature and severity of any such disability, it may inquire into an applicant's ability to perform job-related functions.

### **Nondiscrimination for Military Service**

The District will not discriminate against any person who is a member of, applies to be a member of, or performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service, on the basis of their participation in a uniformed service. This includes initial employment, retention in employment, promotion, or any benefit of employment. The District will also not discriminate against any person who has participated in the enforcement of these rights under state or federal law.

### **Affirmative Action Program**

The District will develop an affirmative action employment plan or program that includes appropriate provisions designed to eliminate discrimination based on protected status.

Regarding sex discrimination, the District's affirmative action employment plan or program must include the requirements to maintain credential requirements for all personnel without regard to sex; make no differentiation in pay scale based on sex; make no differentiation in the assignment of school duties based on sex except where an assignment would involve duty areas or situations such as, but not limited to, a shower room, where persons might be disrobed; provide the same opportunities for advancement for males and females; and make no differentiation in conditions of employment based on sex, including, but not limited to, hiring practices, leaves of absence, hours of employment, and assignment of or payment for instructional or noninstructional duties.

## Regulation

# Nondiscrimination and Affirmative Action - 5010

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### Complaint Procedure

The District will adopt a complaint procedure in accordance with chapter 392-190 WAC.

Annually, the District will publish a notice of the complaint procedure in a way that is reasonably calculated to inform all employees of it. The District will provide the notice in a language each employee can understand, which may require language assistance in accordance with Title VI of the Civil Rights Act of 1964 for those with limited English proficiency.

The District will not adopt any policy, procedure, or practice that would limit a person's right to file a complaint under the complaint procedure.

### Compliance Officer

The superintendent will designate an employee who is responsible for monitoring and coordinating the District's compliance with chapter 392-190 WAC and the guidelines the Office of the Superintendent of Public Instruction has adopted under WAC 392-190-005.

The compliance officer is responsible for ensuring that all complaints filed under the complaint procedure are promptly investigated and resolved.

### Retaliation Prohibited

The District will not intimidate, threaten, coerce, or discriminate against any individual who seeks to secure their rights under this policy or chapter 392-190 WAC or because the individual has filed a complaint under the complaint procedure. Further, the District will not tolerate someone else retaliating against another because they sought to secure their rights under this policy or chapter 392-190 WAC or because they have filed a complaint under the complaint procedure.

Any person who retaliates will be subject to appropriate discipline.

**Cross References:** Regulation 2029  
Regulation 2030  
Regulation 5013  
  
Regulation 5407

Animals on District property  
Service Animals in schools  
Sexual Harassment Personnel,  
Volunteers and Parents  
Military Leave

**Legal References:** [RCW 28A.400.310](#)  
  
[RCW 28A.640.020](#)  
  
[RCW 28A.642](#)

Law against discrimination applicable to  
Districts' employment practices  
Regulations, guidelines to eliminate  
discrimination — Scope — Sexual  
harassment policies  
Discrimination prohibition

## Regulation

# Nondiscrimination and Affirmative Action - 5010

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|                                           |                                                                                                             |
|-------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| <a href="#">RCW 49.60</a>                 | Discrimination — Human rights commission                                                                    |
| <a href="#">RCW 49.60.030</a>             | Freedom from discrimination — Declaration of civil rights                                                   |
| <a href="#">RCW 49.60.180</a>             | Unfair practices of employers                                                                               |
| <a href="#">RCW 49.60.400</a>             | Discrimination, preferential treatment prohibited                                                           |
| <a href="#">RCW 73.16</a>                 | Employment and Reemployment                                                                                 |
| <a href="#">WAC 392-190</a>               | Equal Education Opportunity – Unlawful Discrimination Prohibited                                            |
| <a href="#">WAC 392-190-0592</a>          | Public school employment — Affirmative action program                                                       |
| <a href="#">WAC 392-190-0591</a>          | Public school employment and contract practices - Nondiscrimination                                         |
| <a href="#">42 USC §§2000e1 – 2000e10</a> | Title VII of the Civil Rights Act of 1964                                                                   |
| <a href="#">20 USC §§1681 - 1688</a>      | Title IX Educational Amendments of 1972                                                                     |
| <a href="#">42 USC 12101 – 12213</a>      | Americans with Disabilities Act                                                                             |
| <a href="#">8 USC §1324</a>               | (IRCA) Immigration Reform and Control Act of 1986                                                           |
| <a href="#">38 USC §§ 4301-4333</a>       | Uniformed Services Employment and Reemployment Rights Act                                                   |
| <a href="#">29 USC§ 794</a>               | Vocational Rehabilitation Act of 1973                                                                       |
| <a href="#">34 CFR § 104</a>              | Nondiscrimination on the basis of handicap in Programs or activities receiving federal financial assistance |
| <a href="#">38 USC Sec. 4212</a>          | Vietnam Era Veterans Readjustment Act of 1974 (VEVRAA)                                                      |

## **Nondiscrimination and Affirmative Action – 5010P**

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

### **Complainant**

An employee may file a complaint against the District alleging that it has violated anti-discrimination laws. The person filing the complaint is referred to as the “complainant.”

### **Formal Complaint**

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

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

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

### **Informal Complaint**

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

### **Receiving a Formal Complaint**

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

1. Provide the complainant with a copy of Policy 5010 and this procedure in a language they can understand, which may require language assistance in accordance with Title VI of the Civil Rights Act of 1964 for complainants with limited English proficiency.
2. Ensure that the District conducts a prompt and thorough investigation into the allegations in the complaint.

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

## **Nondiscrimination and Affirmative Action – 5010P**

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### **Written Response to a Formal Complaint**

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

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

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

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

### **Appeal to the Board**

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

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

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

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

**Procedure**

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**Nondiscrimination and Affirmative Action – 5010P**

### **Complaint to OSPI**

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

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

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

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

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

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

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

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

### **Administrative Hearing**

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

**Procedure**

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**Nondiscrimination and Affirmative Action – 5010P**

**Mediation**

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

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

The mediator must be impartial, may not be an employee of the District, and must not have a

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

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

**Recordkeeping**

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

## **Nondiscrimination and Affirmative Action – 5010P**

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### **Resources**

#### District Contacts

Assistant Superintendent of Human Resources – Donna Hood

Title IX Compliance Officer – Amanda Dorey

#### State Contacts

Superintendent of Public Instruction

Equity and Civil Rights Office

P.O. Box 47200

Olympia, WA 98504-7200

360.725.6162

Washington State Human Rights Commission

711 South Capitol Way, Suite 402

P.O. Box 42490

Olympia, WA 98504-2490

360.753.6770

Office of Civil Rights

U.S. Department of Education

915 Second Avenue, Room 3310

Seattle, WA 98174

206.607.1600



ISSAQUAH  
**SCHOOL DISTRICT 411**

# Regulation 5013

## Sexual Harassment

Prohibited – Personnel,

Volunteers and Visitors

**Sexual Harassment Prohibited - Personnel, Volunteers and Visitors - 5013**

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This District is committed to a positive and productive working environment free from discrimination, including sexual harassment. This commitment extends to all employees and other persons 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 training held elsewhere.

Under federal and state law, the term "sexual harassment" includes:

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

A "hostile environment" for an employee is created where the unwanted conduct is sufficiently severe or pervasive to create a work environment that a reasonable person would consider intimidation, hostile, or abusive. For the purpose of this definition, sexual harassment may include conduct or communication that involves male to female, female to male, male to male, or female to female.

Examples of behavior which have been considered sexual harassment include without limitation; repeated unsolicited propositions for dates or sexual relations; uninvited and deliberate touching or feigned accidental brushing against a person's body; feigned friendly pats, squeezes, pinches or other forms of physical contact; invading an individual's personal space, cornering or stalking a person; using derogatory sexual terms for a person; uninvited letters, text messages, emails, phone calls or gifts; teasing with sexually explicit or suggestive materials in the work place including "pin-ups" or sexually degrading "cartoons posted in the work site; uninvited sexually suggestive looks, repeated leering or ogling, or gestures; uninvited sexual teasing, remarks, or questions regarding an employee's personal life, which have no relationship to the working place or school environment; unwelcome flirting; or demands for sexual favors in return for hiring, promotion, tenure or grades or other employment or educational achievement.

**Investigation and Response**

The District will promptly investigate allegations, formal and or informal, to determine what occurred. If an investigation substantiates behavior inconsistent with this Regulation and or in violation of this Regulation, the District will take prompt and appropriate steps reasonably calculated to end the sexual harassment, eliminate the hostile environment, prevent its recurrence and as appropriate, remedy its effects.

A criminal investigation does not relieve the District of its independent obligation to investigate and resolve sexual harassment. Engaging in sexual harassment will result in appropriate discipline or other appropriate sanctions against offending students, staff or other third parties involved in school District activities. Anyone else who engages in sexual harassment on school property or at school activities will have their access to school property and activities restricted, as appropriate.

### **Retaliation and False Allegations**

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

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

### **Staff Responsibilities**

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

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

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

### **Notice and Training**

The superintendent will develop procedures to provide age-appropriate information and education to District staff, parents and volunteers regarding this Regulation and the recognition and prevention of sexual harassment. At a minimum sexual harassment recognition and prevention and the elements of this regulation will be included in staff, student and regular volunteer orientation. This Regulation and the procedure, which includes the complaint process, will be posted in each District building in a place available to staff, students, parents, volunteers and visitors. Information about the Regulation and procedure will be clearly stated and conspicuously posted throughout each school building, provided to each employee and reproduced in each student, staff, volunteer and parent handbook. Such notices will identify the District's Title IX coordinator and provide contact information, including the coordinator's email address.

### **Regulations Review**

The superintendent will make an annual report to the board reviewing the use and efficacy of this Regulation and related procedures. Recommendations for changes to this Regulation, if applicable, will be included in the report.

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

The Superintendent is directed to develop procedures that provide for receiving and investigating and resolving complaints from any staff member who alleges that they have been subjected to sexual harassment.

The Superintendent shall develop procedures to provide information and education to staff, students, visitors and volunteers regarding this Regulation and the recognition and prevention of sexual harassment. At a minimum sexual harassment recognition and prevention and the elements of this Regulation will be included in staff, student and regular volunteer orientations. This Regulation and supporting procedures shall be posted in each District building in a place available to staff, students, volunteers and visitors. The Regulation shall be reproduced in each student, staff, volunteer and visitor handbook.

This Regulation shall be reviewed yearly by the Cabinet.

### **Cross References**

5010 - Nondiscrimination and Affirmative Action

### **Legal References**

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

WAC 392-190-058 Sexual harassment

20 U.S.C. §§ 1681-1688

### **Management Resources**

2015 - July Policy Alert

2014 - December Issue

2010 - October Issue

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**Sexual Harassment Prohibited - Personnel, Volunteers and Visitors 5013P**

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**Procedure Sexual Harassment of District Staff Prohibited**

The procedure is intended to set forth the requirements of Regulation 5013, including the process for a prompt, thorough, and equitable investigation of allegations of sexual harassment and the need to take appropriate steps to resolve substantiated allegations. If sexual harassment is found to have created a hostile environment, staff must take immediate action to eliminate the harassment, prevent its reoccurrence, and address its effects.

This procedure applies to sexual harassment (including sexual violence) targeted at District employees carried out by students, other employees or third parties involved in school District activities. The District has jurisdiction over these complaints pursuant to Title VII of the Education Amendments of 1972, Chapter 28A.640, RCW and Chapter 392-190 WAC.

**Notice**

Information about the District's sexual harassment Regulation will be easily understandable and conspicuously posted throughout each school building, provided to each employee and reproduced in each staff, volunteer and parent handbook. In addition to the posting and reproduction of this procedure and Regulation 5011, the District will provide annual notice to employees that complaints pursuant to this procedure may be filed at 565 NW Holly St. Issaquah, WA 98027.

**Staff Responsibilities**

In the event of an alleged sexual assault of a staff member, the school principal will immediately inform: 1) the Civil Rights Compliance Coordinator so that the District can appropriately respond to the incident consistent with its own grievance procedures; and 2) law enforcement. The principal will notify the targeted District staff person of their right to file a criminal complaint and a sexual harassment complaint simultaneously.

**Confidentiality**

If a complainant requests that their name not be revealed to the alleged aggressor or asks that the District not investigate or seek action against the alleged aggressor, the request will be forwarded to the Assistant Superintendent of Human Resources for evaluation. The Assistant Superintendent of Human Resources should inform the complainant that honoring the request may limit its ability to respond fully to the incident, including pursuing disciplinary action against the alleged aggressor.

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

**Retaliation**

Title VII prohibits retaliation against any individual who files a complaint under these laws or participates in a complaint investigation. When an informal or formal complaint of sexual harassment is made, the District will take steps to stop further harassment and prevent any retaliation against the person who made the complaint, was the subject of the harassment, or

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**Sexual Harassment Prohibited - Personnel, Volunteers and Visitors 5013P**

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against those who provided information as a witness. The District will investigate all allegations of retaliation and take actions against those found to have retaliated.

**Informal Complaint Process**

Anyone may use informal procedures to report and resolve complaints of sexual harassment. Informal reports may be made to any staff member. Staff will always notify complainants of their right to file a formal complaint and the process for same. Staff will also direct potential complainants to the Assistant Superintendent of Human Resources. Additionally, staff will also inform an appropriate supervisor or professional staff member when they receive complaints of sexual harassment, especially when the complaint is beyond their training to resolve or alleges serious misconduct.

During the course of the informal complaint process, the District will take prompt and effective steps reasonably calculated to end any harassment and to correct any discriminatory effects on the complainant. During the course of an investigation, the District will take interim measures to protect the complainant before the final outcome of the District's investigation (e.g., allowing the complainant to break times to avoid contact with the alleged aggressor).

Informal remedies may include:

- An opportunity for the complainant to explain to the alleged harasser that their conduct is unwelcome, offensive or inappropriate, either in writing or face-to-face;
- A statement from a staff member to the alleged harasser that the alleged conduct is not appropriate and could lead to discipline if proven or repeated;
- A general public statement from an administrator in a building reviewing the District sexual harassment Regulation without identifying the complainant.
- Developing a safety plan;
- Separating staff person; or
- Providing staff and/or student training.

Informal complaints may become formal complaints at the request of the complainant, parent or guardian, or because the District believes the complaint needs to be more thoroughly investigated. The District will inform the complainant how to report any subsequent problems. Additionally, the District will conduct follow-up inquiries to see if there have been any new incidents or instances of retaliation, and to promptly respond and appropriately address continuing or new problems. Follow-up inquiries will follow a timeline agreed to by the District and complainant.

**Formal Complaint Process**

**Level One – Complaint to District**

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

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**Sexual Harassment Prohibited - Personnel, Volunteers and Visitors 5013P**

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**Filing of Complaint**

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

**Investigation and Response**

- The Title IX Coordinator will receive and investigate all formal, written complaints of sexual harassment or information in the coordinator's possession that they believe requires further investigation. The Coordinator will delegate their authority to participate in this process if such action is necessary to avoid any potential conflicts of interest. Upon receipt of a complaint, the Coordinator will provide the complainant a copy of this procedure.
- Investigations will be carried out in a manner that is adequate in scope, reliable and impartial. During the investigation process, the complainant and accused party or parties, if the complainant has identified an accused harasser(s), will have an equal opportunity to present witnesses and relevant evidence. Complainants and witnesses may have a trusted adult with them during any District-initiated investigatory activities. The school District and complainant may also agree to resolve the complaint in lieu of an investigation.
- When the investigation is completed, the Coordinator will compile a full written report of the complaint and the results of the investigation and provide the report to the superintendent/designee.

**Superintendent Response**

- The superintendent/designee will respond in writing to the complainant and the alleged aggressor within thirty (30) calendar days of receipt of the complaint, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, the District will notify the complainant in writing of the reason for the extension and the anticipated response date. At the time the District responds to the complainant, the District must send a copy of the response to the office of the superintendent of public instruction.
- The response of the superintendent or designee will include: 1) a summary of the results of the investigation; 2) a statement as to whether a preponderance of the evidence establishes that the complainant was sexually harassed ; 3) if sexual harassment is found to have occurred, the corrective measures the District deems necessary, including assurance that the District will take steps to prevent recurrence

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**Sexual Harassment Prohibited - Personnel, Volunteers and Visitors 5013P**

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and remedy its effects on the complainant and others, if appropriate; 4) notice of the complainant's right to appeal to the school Board and the necessary filing information; and 5) any corrective measures the District will take, remedies for the complainant (e.g., sources of counseling, advocacy and other support), and notice of potential sanctions for the aggressor(s) (e.g., discipline).

- The superintendent's or designee's response will be provided in a language the complainant can understand and may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964. If the complaint alleges discriminatory harassment by a named party or parties, the coordinator will provide the accused party or parties with notice of the outcome of the investigation and notice of their right to appeal any discipline or corrective action imposed by the District.
- Any corrective measures deemed necessary will be instituted as quickly as possible, but in no event more than thirty (30) days after the superintendent's mailing of a written response, unless the accused is appealing the imposition of discipline and the District is barred by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded. Staff may also pursue complaints through the appropriate collective bargaining agreement process or anti-discrimination Regulation.
- The District will inform the complainant how to report any subsequent problems. Additionally, the District will conduct follow-up inquiries to see if there have been any new incidents or instances of retaliation, and to promptly respond and appropriately address continuing or new problems. Follow-up inquiries will follow a timeline agreed to by the District and complainant.

## **Level Two -Appeal to Board of Directors**

### **Notice of Appeal and Hearing**

- If a complainant disagrees with the superintendent's or designee's written decision, the complainant may appeal the decision to the District Board of Directors, by filing a written notice of appeal with the secretary of the Board within ten (10) calendar days following the date upon which the complainant received the response. :
- The Board will schedule a meeting to commence by the twentieth (20th) calendar day following the filing of the written notice of appeal, unless otherwise agreed to by the complainant and the superintendent or for good cause.

### **Board Decision**

- Unless otherwise agreed to by the complainant, the Board will render a written decision within thirty (30) calendar days following the filing of the notice of appeal and provide the complainant with a copy of the decision.
- The decision will be provided in a language that the complainant can understand which may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act.
- The 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.

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**Sexual Harassment Prohibited - Personnel, Volunteers and Visitors 5013P**

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**Level Three - Complaint to the Superintendent of Public Instruction**

**Filing of Complaint**

- If a complainant disagrees with the decision of the Board of directors, or if the District fails to comply with this procedure, the complainant may file a complaint under WAC 392-190-075.
- A complaint must be received by the Superintendent of Public Instruction on or before the twentieth (20) calendar day following the date upon which the complainant received written notice of the Board of directors' decision, unless the Superintendent of Public Instruction grants an extension for good cause. Complaints may be submitted by mail, fax, electronic mail, or hand delivery.
- A complaint must be in writing and include: 1) A description of the specific acts, conditions or circumstances alleged to violate applicable anti-sexual harassment laws; 2) The name and contact information, including address, of the complainant; 3) The name and address of the District subject to the complaint; 4) A copy of the District's complaint and appeal decision, if any; and 5) A proposed resolution of the complaint or relief requested. If the allegations regard a specific student, the complaint must also include the name and address of the student, or in the case of a homeless child or youth, contact information.

**Investigation, Determination and Corrective Action**

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

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

**Level Four - Administrative Hearing**

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.

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**Sexual Harassment Prohibited - Personnel, Volunteers and Visitors 5013P**

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**Other Complaint Options**

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

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

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

*Washington State Human Rights Commission (WSHRC)*

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

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

**Mediation**

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

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

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

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

**Training and Orientation**

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

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

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**Sexual Harassment Prohibited - Personnel, Volunteers and Visitors 5013P**

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

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

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

**Regulation and Procedure Review**

Annually, the superintendent or designee will convene an ad hoc committee composed of representatives of certificated and classified staff, volunteers, students and parents to review the use and efficacy of this Regulation and procedure. The Title IX/Civil Rights Compliance Coordinator will be included in the committee. Based on the review of the committee, the superintendent will prepare a report to the Board including, if necessary, any recommended Regulation changes. The superintendent will consider adopting changes to this procedure if recommended by the committee.

2025-26 Human Resources New Hire Orientation



# Regulation 5201

## Drug Free Workplace

The District has an obligation to staff, students and citizens to take reasonable steps to assure safety in the workplace and to provide safety and high quality performance for the students and educational community that the staff members serve.

For purposes of this Regulation, “Workplace” is defined to mean the site for the performance of work done for or on behalf of the District, which includes but is not limited to work done in connection with any federal grant. Workplace includes use of any school building, any District property, and any District equipment; any District-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; any other property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the supervision of the District.

For these purposes, the following behaviors will not be tolerated:

- A. Reporting to or otherwise being at the Workplace when under the influence of or having your Workplace performance adversely affected by use of alcohol, illegal and/or controlled substances including marijuana (cannabis) and anabolic steroids.
- B. Using, possessing, or transmitting alcohol, illegal and/or controlled substances, including marijuana (cannabis) and anabolic steroids, (other than in accordance with a properly-issued prescription), or opiates in any amount or in any manner on District property at any time or when involved in a District activity on or off District property.
- C. Any staff member convicted of a crime attributable to the use, possession, or sale of illegal and/or controlled substances, including marijuana (cannabis) and anabolic steroids, will be subject to disciplinary action, including termination.;
- D. Using District property or the staff member's position within the District to make or traffic in alcohol, illegal and/or controlled substances, including marijuana (cannabis) and anabolic steroids, or opiates; and/or
- E. Using, possessing, or transmitting alcohol, controlled substances, illegal chemical substances, or opiates in a manner which is detrimental to the interest of the District.

Any employee who drives or operates a District vehicle or is assigned to a Safety Sensitive Position (defined for purpose of this Regulation as a position in which a drug impairment constitutes a direct threat to the health or safety of staff, students, or the educational community) who is taking a controlled substance or other medication, whether or not prescribed by the employee's medical provider, which may adversely affect that employee's ability to perform in the Workplace in a safe manner, is required to report such use of a drug or medication to their supervisor. The supervisor in conjunction with the Assistant Superintendent of Human Resources/designee then will determine whether the employee can remain at work and whether any work restrictions will be necessary.

### **Notification Requirements**

Any staff member who is taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with the safe performance of their job. If the use of a medication could compromise the safety of the staff member, other staff members, students or the public, it is the staff member's responsibility to use appropriate personnel procedures (e.g., use leave, request change of duty, or notify their supervisor of potential side effects) to avoid unsafe workplace practices. If a staff member notifies their supervisor that the use of medication could compromise the safe performance of their job, the supervisor, in conjunction with

Human Resources, then will determine whether the staff member can remain at work and whether any work restrictions will be necessary.

As a condition of employment, each employee shall notify their supervisor of a conviction under any criminal drug statute violation occurring in the Workplace, as defined above. Such notification shall be provided no later than 5 days after such conviction. The District shall inform the Department of Labor within ten days of such conviction, regardless of the source of the information.

Each employee shall be notified of the District's Regulation regarding employee drug activity concerning the Workplace and of the availability of the District's Employee Effectiveness Program.

Any employee who violates any aspect of this Regulation may be subject to disciplinary action, which may include termination of employment. Applicants who violate any aspect of this Regulation may have any offer of employment withdrawn or revoked. As a condition of eligibility for reinstatement, an employee may be offered an opportunity to participate in rehabilitation. In such cases, the affected employee shall be required to satisfactorily complete at the employee's expense a drug and/or alcohol rehabilitation or treatment program approved in advance by the District. Nothing in this Regulation shall be construed to guarantee reinstatement of any employee who violates this Regulation, nor shall the District incur any financial obligation for treatment or rehabilitation specified as a condition of eligibility for reinstatement. If the District decides in its sole discretion to offer reinstatement to such an employee, the employee will be required to sign and abide by the terms of a return-to-work agreement as a condition of continued employment.

The District may notify law enforcement agencies regarding a staff member's violation this Regulation at the District's discretion or take other action as the District deems appropriate.

**Cross References:** Regulation 421 Use of Tobacco on School Property  
5203 Staff Assistance Program  
5280 Termination of Employment  
5281 Disciplinary Action and Discharge

**Legal References:**

RCW 69.50.435 Violations committed in or on certain public places or facilities  
—Additional penalty — Defenses — Construction — Definitions  
41 U.S.C. 8103 Drug Free Workplace Requirements for Federal Grant  
Recipients  
21 U.S.C. 812 Controlled Substance Act  
20 U.S.C 7101-71187 Safe and Drug-Free Schools and Communities Act [as  
amended by Title IV – 21st Century Schools]

**Management Resources:**

Regulation News, February 1999      Bus drivers still tested for  
marijuana

## **Drug Free Workplace – 5201P**

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- A. On or before September 10th of each school year, the District will publish a statement notifying all employees of the District's good faith effort to maintain Issaquah School District as a Drug-Free Workplace. This statement will inform employees
  - 1. of the availability of the District Employee Effectiveness Program to provide drug counseling;
  - 2. that the Human Resources Department must be informed of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction; and
  - 3. that appropriate discipline against violators, up to and including termination, will be taken by the District.
- B. All new employees and current employees must comply with Regulation 5201 and Procedure 5201P. Additionally, all employees who will be engaged in performance of any federal grant activity must be provided with a copy of Regulation 5201 and Procedure 5201P.



ISSAQUAH  
**SCHOOL DISTRICT 411**

## Regulation 5207

# Prohibition Against Harassment and Intimidation: Maintaining a Positive Environment

## **Prohibition Against Harassment and Intimidation: Maintaining a Positive Environment – 5207**

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The District is committed to a supportive work environment. Every employee, volunteer, and visitor is expected to maintain a work and or educational environment free from intimidation and harassment. District Regulation prohibits sexual, racial, and other harassment in the workplace. The purpose of the Regulation is to emphasize that the District also does not tolerate any of the types of conduct described in this Regulation. Allegations of harassment of students will be processed via Regulation 3207 and Procedure 3207P; allegations of harassment of volunteers will be processed via Regulation 4011 and Procedure 4011P; allegations of harassment of parents will be processed via Regulation 4011 and Procedure 4011P, except that parental complaints against District employees will be processed via Regulation 4220 and Procedure 4220 P.

Harassment, as defined for this Regulation, consists of verbal conduct, physical conduct, or electronic or other communications or data that coerces, belittles, or shows hostility or aversion toward an individual for any reason and that:

- Has the purpose or effect of creating an intimidating, hostile, or offensive work or educational environment; or
- Has the purpose or effect of unreasonably interfering with an individual's work performance or the educational environment; or
- Substantially adversely affects an individual's employment opportunities.

Intimidation and harassment may be intentional or unintentional. However, it must be noted that where an allegation is made under this Regulation, the intention of the alleged harasser is irrelevant. As in sexual harassment, it is the effect of the behavior upon the target which is important.

Conduct that "unreasonably interferes with an individual's work or educational environment performance" or that "substantially adversely affects an individual's employment opportunities" will be determined by considering an alleged targeted individual's attendance, demeanor, and interaction with peers, productivity, efficiency, and other indicators.

Conduct that may rise to the level of intimidation and/or harassment may take many forms, including, but not limited to:

- Verbal: slandering, ridiculing or maligning a person or their family; persistent name calling which is hurtful, insulting or humiliating; using a person as a butt of joke(s); abusive and offensive remarks; slurs, rumors, jokes, innuendoes, demeaning comments.
- Written: drawings, cartoons, statements and or images in emails, and or on property.

## **Prohibition Against Harassment and Intimidation: Maintaining a Positive Environment – 5207**

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- Physical: pushing, shoving, kicking, poking, tripping, assaulting or threatening assault, damaging or tampering with a person's work area or personal property, or threatening such damage.
- Gestures: non-verbal threatening gestures, glances and or stares which can convey threatening messages.

Harassment prohibited by this Regulation shall not be construed to alter, impair, or abridge existing or customary management rights. Prohibited harassment does not include (i) reasonable management decisions, directives and/or expectations made, issued or stated by District administrators or supervisors, or (ii) disregard of a person in work-related activities.

If you feel you are being harassed in violation of this Regulation, telling the person harassing you that their behavior is unwelcome and must stop will often stop the problem. However, you are not required to confront someone who is harassing you if you are uncomfortable doing so. Either way, you must inform the District by bringing the problem to the attention of one of the following:

- Your supervisor; or
- Executive Director of Human Resources; or
- Director of Personnel/Chief Legal Officer; or

Individuals are expected to report any incidents of harassment promptly so that complaints can be quickly and fairly investigated if appropriate and resolved if substantiated. Complaints will be investigated as confidentially as circumstances warrant. The reporting individual will be informed of the results of the investigation. If an investigation confirms that harassment in violation of this Regulation has occurred, the District will take appropriate corrective action. This may include discipline up to and including, termination of the employment of anyone who has violated this Regulation and or possible preclusion from future volunteering and or issuance no trespassing directives.

The District and its employees are prohibited from retaliating against any individual who makes a good faith report of a potential violation of this Regulation. Retaliating against such individuals is a violation of this Regulation, even if after an investigation no harassing conduct was substantiated. It is also a violation of this Regulation knowingly to report false allegations of harassment. Persons who are found to have retaliated, knowingly reported such false allegations, or corroborated false allegations will be subject to disciplinary action and or action as provided above.

**Prohibition Against Harassment and Intimidation:  
Maintaining a Positive Environment – 5207**

Everyone in the District is responsible for assuring that our workplace and educational environment are free from prohibited harassment. It is your duty to report harassment if you see or hear about it.

If you have any questions regarding this Regulation, please ask your supervisor or Personnel Department for clarification.

Cross Reference:

Board Regulation 5282

Civility

Legal Reference:

Washington State Labor & Industries

*Stop Workplace Bullying April 2011*

## **Prohibition Against Harassment and Intimidation – 5207P**

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To ensure fairness and consistency, the following review procedure is to be used with regard to problems covered pursuant to Regulation 5207. No staff member's status with the District shall be adversely affected because the staff utilized these procedures, unless a false complaint is filed.

- A. The building principal, program manager, or designee shall investigate all written complaints of harassment or intimidation.
- B. The allegations of harassment or intimidation are expected to:
  - 1. be in writing;
  - 2. be signed by the complaining party;
  - 3. set forth specific acts, conditions, or circumstances alleged to be in violation of the District's obligation in regard to harassment; and
  - 4. be filed with the building principal, program manager, or designee as soon as possible, but no later than thirty (30) calendar days following the alleged harassment.
- C. Upon completion of the investigation, the building principal, program manager, or designee shall provide their supervisor with a full written report of the complaint and the results of the investigation, unless the matter is resolved to the satisfaction of the complaining party prior to the submission of a full written report.
- D. The supervisor shall respond in writing to the complaining party within thirty (30) calendar days following receipt of the written complaint.
- E. Any corrective measure deemed necessary shall be instituted as expeditiously as possible but in no event later than thirty (30) calendar days following the supervisor's mailing of a written response to the complaining party.
- F. In the event a complaint remains aggrieved as a result of the action or inaction of the supervisor, said complainant may appeal to the superintendent or designee by filing a written notice of appeal with the superintendent on or before the tenth (10<sup>th</sup>) calendar day following:
  - 1. the date upon which the complainant received the supervisor's response, or;
  - 2. the expiration of the thirty (30) calendar day response period in Section D above, whichever occurs first.
  - 3. The superintendent or designee shall review the investigation and may follow-up inquires as they feel necessary and render a written decision on or before the tenth (10<sup>th</sup>) calendar day following receipt of the written appeal and shall provide a copy to all parties involved.



ISSAQUAH  
**SCHOOL DISTRICT 411**

# Regulation 5251

# Conflict of Interest

Due to the nature of an employee's responsibilities, which entail the promotion of the public interest and the preservation of the public's trust, it may, in some cases, be necessary to restrict the activities of a District employee to ensure that a conflict of interest does not appear to exist.

The purpose of this Regulation is to provide guidance on activities that may constitute a conflict of interest, but is not designed to be exhaustive. Regardless whether a particular activity is not specifically addressed within this Regulation, District employees including those on any form of paid or unpaid leave from a position of employment with the District shall inform their supervisors in writing of all reasonably foreseen potential or actual conflicts of interest.

**DEFINITION:** A conflict of interest is any situation in which a District employee, either for himself/ herself or some other person(s), attempts to promote a private or personal interest which results or appears to result in the following:

1. an interference with the objective exercise of their District duties; or
2. a gain or an advantage by virtue of their position in the District.

For the purpose of this Regulation staff member is defined as a certificated and or classified employee of the District, and or school District volunteer.

Staff members will not engage in any activity that conflicts with their duties and responsibilities.

Such activities where a conflict of interest may exist include but are not limited to:

1. Receiving economic benefit from selling or promoting the sale of goods or services to the students or their parents where the knowledge of the staff member's relationship to the District is in any way utilized to influence the sale or exchange. (This also applies to non school sponsored activities such as travel.)
2. Receiving economic benefit from the sale of instructional and training materials and/or equipment created as part of an employee's job duties. In such instances, the District will retain a proprietary interest.
3. Encouraging a student who is enrolled in one or more of the certificated employee's classes to take private lessons, therapy, or to engage tutoring for a fee from the employee, a relative of the employee, or a member of the employee's household.
4. Using or providing for others a list of names and home addresses obtained from school records or school-related contacts for purposes of identifying potential client or customer contacts.
5. Participating in any way in the selection process for materials, books, or equipment when an item developed by or authored by the employee or a member of their family, or a member of the employee's household is under consideration for approval for District use.

6. Being involved in the selection of an applicant or in the appointment, evaluation, or supervision of any other employee who is a family member. Family member is defined as son, daughter, father, mother, brother and sister, including in laws and husband/wife, grandparents, grandchildren of the employee, or employee's spouse.
7. Using the interschool mail to promote sales of a product or service in which a staff member or a member of the staff member's household has a financial interest.
8. Providing a staff or student directory for use in promoting sales of a product or service.
9. Purchasing or otherwise acquiring surplus District property, where the staff member was involved in or had influence in the process of declaring the item(s) as surplus.
10. Receiving substantial gifts or extensive travel from a vendor that would result in a personal gain or benefit outside of work related activities for the person receiving the gift or benefit. This provision is not meant to prohibit the acceptance of small gifts from students or parents on an occasional basis. However, staff members must take precautions to avoid potential conflicts of interest, the appearance of conflicts of interest, or the appearance of inappropriate relationships when presented with any gifts related to their employment or their role as an employee, or volunteering with the District. If a District officer or staff member has any question regarding the propriety of a gift, disclosure of the gift or proposed gift should be made to the Superintendent or Assistant Superintendent of Human Resources for determination of the proper course of action.
11. Using District property, funds, position or power for personal or political gain.
12. A staff member's outside employment or business activities and interests must not interfere with the employee's regular duties nor represent a conflict of interest.

Written permission from the superintendent or principal is necessary when:

1. A certificated staff member wishes to tutor or give private lessons for a fee to any student who is enrolled in one or more of the teacher's classes;
2. A certificated staff member, such as communication disorder specialists, psychologists or specialized music teachers, wishes to give private instruction for a fee to any student who is concurrently being served by that individual in the regular school program.

No school District employee may employ or use any person, money, or school property under the employee's official control or direction for the private gain of that employee or another.

However, a District employee may use public resources to benefit others as part of the employee's official duties, if the expenditure is of *de minimus* value (of little or no value; no impact on public funds) and is purchased with the consent of their supervisor.

Any deliberate act by an employee in the course of professional practice that requires or pressures District students and/or parents to purchase equipment, supplies or services from the employee, a relative of the employee, or member of the employee's household in a private

remunerative capacity is found by the Board to be an act of unprofessional conduct that the District will report to the Office of Professional Practices. In addition, any violation of this Regulation by an employee may result in disciplinary action, up to and including termination of employment from the District.

|                        |                 |                                                     |
|------------------------|-----------------|-----------------------------------------------------|
| <b>Legal Reference</b> | RCW 28A.400.322 | Use of persons, money, or property for private gain |
|                        | WAC 181-87-090  | Improper remunerative conduct                       |

Conflicts of Interest as to Tutoring

The following guidelines shall be used in implementing the Conflicts of Interest for tutoring situations (Also applicable to any employee of the District on a supplemental coaching contract):

- 1) A staff member shall not tutor students assigned to their class unless approved by the Superintendent or designee.
- 2) Staff may not tutor students in the year after they have been assigned to their class, unless approved by the Superintendent or designee.
- 3) Staff shall not use District equipment or material (i.e., Copy machine, color paper, textbooks, and computers).
- 4) Tutoring must occur outside of the certificated staff work day under the Collective Bargaining Agreement.
- 5) The staff member must act as a for profit outside agent in accordance with the District's Access to Resources procedure and Facility Use Regulation and does not use any resources, materials or intellectual property belonging to the District while engaged in the act of tutoring.
- 6) Parents should initiate contact with the staff person if tutoring services or goods are needed. Staff shall not solicit students/parents to provide tutoring services or for the sale of any goods of which the certificated staff member would personally profit.
- 7) Staff shall inform the student's family that they are not working in the capacity of an Issaquah School District employee and the District has no liability or responsibility for their actions.
- 8) Staff who provides tutoring services are not covered by the District's insurance or worker's compensation.

Written permission from the Superintendent is necessary for a staff member to provide tutoring services when any of the following exist:

- A) Staff wish to tutor or give private lessons for a fee to any student enrolled in one or more of the certificated staff member's class or participating on a staff member's team; or
- B) Staff members such as speech language pathologist and occupational/physical therapist who provide related therapies and/or enrichment classes, special education certificated staff who provide applied behavior therapy, or specialized music teachers who expresses an interest in providing private instruction or tutoring services for a fee to any student who is concurrently being serviced by that individual certificated staff member in the regular school program; or

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- C) School facilities and District-owned equipment and /or instructional materials are utilized in tutoring or private instruction for which a fee is charged.



ISSAQUAH  
**SCHOOL DISTRICT 411**

## Regulation 5253

# Maintaining Professional Staff/Student Boundaries

## **Maintaining Professional Staff /Student Boundaries– 5253**

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This Regulation provides all staff, students, volunteers, and community members with information about protecting children from inappropriate conduct by adults. This Regulation applies to all district staff.

The Issaquah School District expects all District staff to maintain the highest professional standards when they interact with and around students.. Staff members are required to maintain an atmosphere conducive to learning, through consistently and fairly applied discipline and established and maintained professional boundaries. Further, the District expects all staff and agency personnel who work in the schools to set examples for students of appropriate conduct and behavior.

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

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

Additionally, staff members and agency personnel are expected to be sensitive to the appearance of impropriety in their own conduct and the conduct of other staff when interacting with students. Staff members or agency personnel will discuss issues with the building administrator or supervisor whenever they suspect or are unsure whether their own conduct is inappropriate or constitutes a violation of this Regulation.

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

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

Staff whose conduct violates this Regulation may face discipline and/or termination consistent with the District's Regulations and procedures, Responsible Use Guidelines, and collective bargaining agreements, as applicable.

The superintendent or designee will develop staff protocols for reporting and investigating allegations and develop procedures and training to accompany this Regulation.

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**Maintaining Professional Staff /Student Boundaries– 5253**

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**Legal References:**

|                 |                                                                                                                                                                                                                                |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| RCW 28A.400     | Crimes against children                                                                                                                                                                                                        |
| RCW 28A.405.470 | Crimes against children - Mandatory termination of certificated employees - Appeal - Recovery of salary or compensation by district.                                                                                           |
| RCW 28A.405.475 | Termination of certificated employee based on guilty plea or conviction of certain felonies - Notice to superintendent of public instruction - Record of notices.                                                              |
| RCW 28A.410.090 | Revocation or suspension of certificate or permit to teach - Criminal basis - Complaints - Investigation - Process.                                                                                                            |
| RCW 28A.410.095 | Violation or noncompliance - Investigatory powers of superintendent of public instruction - Requirements for investigation of alleged sexual misconduct towards a child - Court orders - Contempt - Written findings required. |
| RCW 28A.410.100 | Revocation of authority to teach - Hearings.                                                                                                                                                                                   |
| WAC 181-87      | Professional Certification - Acts of Unprofessional Conduct                                                                                                                                                                    |
| WAC 181-88      | Sexual Misconduct, Verbal and Physical Abuse - Mandatory Disclosure - Prohibited Agreements                                                                                                                                    |

**Maintaining Professional Staff /Student Boundaries– 5253P**

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A boundary invasion is an act, omission, or pattern of behavior by any staff member that violates professional staff/student boundaries, does not have a bone fide health, safety, educational purpose, for the student and consistent with the staff member's duties. Staff members shall not engage in boundary invasions of students, which include, but are not limited to, the following:

**Boundary Invasion**

- Any type of inappropriate physical or sexual conduct with a student or any other conduct that violates District Regulations or State or Federal Law regarding student welfare, the educational environment, or conduct toward current or former students. Inappropriate physical conduct includes a single incident or pattern of being "overly touchy" with students without any legitimate educational or professional purpose. Showing naked, intimate, or unduly revealing photos to a student or asking a student to provide naked, intimate, or unduly revealing photos, or taking inappropriate photographs of a student, or taking photographs of students inconsistent with the Family Educational Rights and Privacy Act (FERPA), or taking an inordinate number of photographs of a student(s);
- Any kind of flirtatious or sexual communications with a student, which includes but is not limited to banter, allusions, jokes or innuendos of a sexual nature;
- Singling out a particular student or students for personal attention and friendship beyond the professional staff-student relationship. This includes, but is not limited to, allowing them to remain in the classroom during non-class times when they have other classrooms or school locations they are expected to be at, unilaterally removing a student from another class or activity, or a pattern of engaging in "peer like" behavior with one or more students;
- Socializing where students are consuming alcohol, drugs or tobacco. Providing alcohol, drugs, or tobacco to students or failing to report their use of these substances;
- For non-guidance/counseling staff, encouraging students to confide their personal or family problems and/or relationships. If a student initiates such discussions, staff members are expected to refer the student to appropriate guidance/counseling staff. In either case, staff involvement should be limited to a direct connection to the student's school performance;
- Sending students on personal errands unrelated to any educational purpose;
- Disclosing personal, sexual, family, employment concerns, or other private matters to one or more students;
- Addressing students, or permitting students to address staff members with personalized terms of endearment, pet names, or otherwise in an overly familiar manner;
- Maintaining personal contact (including "friending" or "following") a student on any social networking application or device;
- Exchanging or providing personal gifts, cards or letters with or to an individual student which are unrelated to school activities;
- Sending phone, e-mail, text, instant messenger, or other forms of written or electronic communication to students when the communication is unrelated to the staff member's duties, school work or other legitimate school business. If staff members have educational or legitimate school business to conduct, they shall include a parent/guardian or a school administrator on the communication. If staff members receive a student's communication, the staff member shall reply by including the student's parent/guardian and an administrator. Staff members should use school e-mail addresses and phone numbers

## **Maintaining Professional Staff /Student Boundaries– 5253P**

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and the parents' phone numbers for communications with students, except in an emergency situations;

- Socializing or spending time with students (including but not limited to activities such as going out for beverages, meals or movies, shopping, traveling, and recreational activities) outside of school-sponsored events, except as participants in organized community activities;
- Giving a student a ride alone in a vehicle in a non-emergency situation; or failing to timely report that occurrence to both a parent/guardian and an administrator;
- Unnecessarily invading a student's privacy, (e.g. walking in on the student in the bathroom or a hotel room on a field trip);
- Being alone with an individual student out of the view of others; and/or
- Any home visits unless other adults are present, the student(s) are invited for an activity related to school, and the student's parent/guardian and an administrator are informed and have consented.

### **Reporting Violations**

Students and their parents/guardians are strongly encouraged to notify the principal (or other administrator) if they believe a staff member may be engaging in conduct that violates Regulation 5253 or this procedure.

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

Staff members should:

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

### **Reminder About Reporting Sexual Abuse**

In some situations, the staff member engaging in boundary invasions with a student may also have engaged in child abuse or sexual abuse, which is defined in Regulation 3421 - Child Abuse, Neglect, and Exploitation Prevention. Remember that according to law (RCW 26.44.020) and Board Policy 3421, all school personnel who have reasonable cause to believe that a student has experienced sexual abuse by an adult or student are required to make a report to Child Protective Services and/or law enforcement. (See Regulation 3421.)

## **Maintaining Professional Staff /Student Boundaries– 5253P**

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### **Disciplinary Action**

Staff violations of this Regulation may result in disciplinary action up to and including dismissal. The violation will also be reported to the state Office of Professional Practices. Violations involving sexual or other abuse will also result in referral to Child Protective Services and/or law enforcement in accordance with the board's Regulation on Reporting Child Abuse and Neglect Training.

### **Training**

All new staff members and volunteers will receive training on appropriate staff/student boundaries within three months of employment or beginning of service. Such initial training may be on-line training. A more detailed, live training covering this entire procedure shall occur every two years for all schools and work sites. Site administration and classified employee supervisors will also address professional boundaries at staff meetings early in the year.

### **Dissemination of Regulation and Reporting Protocols**

This Regulation and procedure shall be included on the District website



ISSAQUAH  
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# Regulation 5281

## Disciplinary Action and Discharge

## **Disciplinary Action and Discharge - 5281**

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Staff who fail to fulfill their job responsibilities or follow the reasonable directions of their supervisors or who conduct themselves on or off the job in ways that significantly affect their efficacy or otherwise act in such a way that the law determines to be just cause will be subject to discipline. Behavior, conduct, or action which may institute disciplinary action or discharge may include, but not be limited to:

Non-compliance with bargaining agreements, non-compliance with District Regulation(s) and procedures, insubordination, gross incompetence, immorality, sexual misconduct, intentional discrimination, conviction of a felony, non-professional conduct, theft, dishonesty or unauthorized use of District facilities or property including records and confidential information, mental or physical inability to perform the duties for which employed, use of alcohol in a manner that interferes with job, vulgar speech or actions, illegal use of drugs, use of alcoholic beverages on school premises or at District sponsored activity off of school premises, use of habit-forming drugs without pharmaceutical prescription by a doctor of medicine licensed to practice in the state of Washington, falsification of time sheets or personnel records, impairment of function of work unit or disruptive conduct, repeated tardiness or unauthorized absence(s), or unauthorized use of District supplies and equipment for personal betterment or financial gain.

Discipline will be reasonably appropriate to the circumstances but may include suspension or discharge. Discharge or other adverse action affecting the contract status of certificated staff shall be instituted in the manner prescribed by law.

The District will not request, require or otherwise compel or coerce an employee to:

- 1) Disclose login information for the employee's personal social networking account; or
- 2) Access their personal social networking account in the presence of a supervisor or other District employee; or
- 3) Add a District supervisor or employee to the account's list of contacts or
- 4) Alter the settings on the employee's personal social networking account to affect a third party's ability to view it.

The District may not take adverse action against an employee for refusal to comply with any of the above actions. However, the District may request or require the employee to share content from their personal social networking account if:

- 1) The District requests the content to make a factual determination during the course of an investigation; and
- 2) The District undertakes an investigation regarding the employee's activity on their personal social networking account; and

## **Disciplinary Action and Discharge - 5281**

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- 3) The purpose of the investigation is to ensure compliance with all governing authority or investigate an unauthorized transfer of District proprietary information, confidential information or financial data to the personal social networking account; and
- 4) The employer does not request or require the employee to provide their login information unless to access an account or service provided by the virtue of the employment relationship or to access an electronic communications device or online account paid for or supplied by the employer.

The Superintendent or Superintendent's designee(s) are authorized to suspend the staff member immediately. The staff member has the right to hear the basis for discipline and respond, and be represented by counsel.

**Cross References:** Regulation 5006 - Certification Revocation  
5240 - Evaluation of Staff  
5280 - Termination of Employment

**Legal References:**

|     |                |                                                                                              |
|-----|----------------|----------------------------------------------------------------------------------------------|
| RCW | 28A.400.300    | Hiring and discharge of employees                                                            |
|     | 28A.405.300    | Adverse change in contract status of certificated employee                                   |
|     | 28A.58.455     | Adverse change in contract status of certificated employee including non-renewal of contract |
|     | 49.44.200      | Personal social networking accounts – Restrictions on employer access – Definitions          |
|     | WAC 180-44-060 | Drugs and alcohol — Use of as cause for dismissal                                            |
|     | WAC 181-86     | Policies and procedures for administration of certification proceedings                      |
|     | WAC 181-87     | Acts of Unprofessional Conduct                                                               |



ISSAQUAH  
**SCHOOL DISTRICT 411**

# Regulation 5282

## Civility

Purpose. The Issaquah School District believes that a safe, civil environment is essential to high student and staff achievement, to the free exchange of ideas central to a quality educational process, and to the development of youth as thoughtful participants in our democracy. Conversely, uncivil conduct, like other forms of disruptive behavior, interferes with a student's ability to learn and a District's ability to support and educate its students.

The District encourages all staff to participate in maintaining a clear expectation of civil conduct and problem-solving throughout the school District. The District is committed to providing training and resources to support this expectation and refuses to condone uncivil conduct on school grounds or at school-sponsored activities, whether by staff, students, parents, volunteers, or other District visitors.

The basic purpose of this Regulation is three-fold:

1. To promote a work and learning environment that is safe, productive and beneficial for all staff and students, and to encourage the free flow of ideas without fear or intimidation;
2. To provide our students with appropriate models for respectful problem-solving; and
3. To reduce the potential triggers for violent conduct, such as fear, anger, frustration and alienation-especially by making problem-solving procedures and alternatives to violence readily accessible to both youth and adults who need them.

Definitions. For purposes of this Regulation, "uncivil conduct" includes the following: directing vulgar, obscene or profane gestures or words at another individual; taunting, jeering, inciting others to taunt or jeer at an individual; raising one's voice at another individual, repeatedly interrupting another individual who is speaking at an appropriate time and place; imposing personal demands at times or in settings where they conflict with assigned duties and cannot reasonably be met; using personal epithets, gesturing in a manner that puts another in fear for their personal safety, invading the personal space of an individual after being directed to move away, physically blocking an individual's exit from a room or location, remaining in a classroom or school area after a teacher or administrator in authority has directed one to leave, violating the privacy of another individual's belongings (except for lawful searches by school officials conducted in connection with the administration of school rules and applicable laws), or other similar disruptive conduct.

"Uncivil conduct" does not include the expression of controversial or differing viewpoints that may be offensive to some persons, so long as (1) the ideas are presented in a respectful manner and at a time and place that are appropriate, and (2) such expression does not materially disrupt, and may not be reasonably anticipated to disrupt, the educational process.

Expectations. In support of this Regulation, the Superintendent shall be responsible for the development of District training, written and oral communications, resource lists and other tools for the use of staff, students and community members in achieving the purposes of this Regulation. Specific procedures appropriate to the needs of staff, students, volunteers, and parents/community members will be available to all persons who have legitimate business within the District.

In all cases, individuals who perceive they have been treated in an uncivil manner will be urged to resolve their concerns through simple, direct or assisted communication with the person(s) at the source of the concern. When this is not possible or appropriate, any person who needs help in identifying and/or using appropriate problem-solving procedures may seek assistance from the school principal, principal designee, or work site administrator. Individuals are encouraged to work out issues of concern promptly-and preferably no later than two (2) days after an incident has occurred. No retaliation will be tolerated against individuals for working in good faith under this Regulation and its related procedures to resolve concerns.

Site Councils are encouraged to guide, support, and evaluate local efforts to establish and reinforce a culture of civility and respect for all. Complaints alleging conduct arising out of District programs that is uncivil or involves harassment, intimidation, or bullying of parents or volunteers will be processed via Regulation 4011 and Procedure 4011P, provided that parental complaints against District employees will be processed via Regulation 4220 and Procedure 4220P.

This Regulation seeks to promote a school culture of respect and civility. Severe or persistent acts of uncivil conduct may, however, violate other school rules, or District Regulations such as against harassment and sexual harassment, or specific conduct codes. Violation of such building rules of District regulations may result in *further action, such as* removal from District property or District event, competition, or activity, issuance of a *No Trespass* order, or criminal charges as applicable. Nothing in this Regulation is intended to interfere with the ability of school officials to maintain order and discipline in the schools or to enforce school rules and applicable laws.

The Superintendent and appropriate staff shall review this Regulation annually.

Severability Clause. If any part of this Regulation or its related procedures is found to be unlawful or unenforceable by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect to the full extent permitted by law.

### **Cross References**

|                            |      |                   |
|----------------------------|------|-------------------|
| Regulations and Procedures | 5207 | Harassment        |
|                            | 5013 | Sexual Harassment |

Regulation 5282 and the procedures that follow are intended to support all partners in the educational process; maintain a safe, nurturing work and learning environment; provide models of respectful problem-solving, and reduce the potential for serious or widespread disruptions within the District.

These procedures are not intended to manage threatening or intimidating behavior which is serious enough to constitute harassment or to cause one to fear for their safety. Rather, these procedures are meant to underscore the expectation of civil conduct in all interactions within the school district, provide all individuals the tools and knowledge to eliminate uncivil conduct they experience within the District, and replace uncivil conduct with acceptable, productive interactions.

- A. **Parents.** If parents or other community members believe they have been treated in an uncivil manner by an Issaquah School District employee, they should follow the steps outlined in *4312P: Parent Complaints Against District Employees*.
- B. **Employees.** If employees believe they have been treated in an uncivil manner by an adult member of the community, another employee, or a student of the Issaquah School District, they should follow the steps outlined below:

**Step 1:** Within two days of the incident, speak directly and respectfully with the individual, in an appropriate time, place and manner, seeking to resume communications on a civil basis. (If the individual is a student, the employee may also speak with the student's parent.)

**Step 2:** At any time after Step 1 has been attempted, if civil discussion cannot be resumed, the employee should ask a co-worker or supervisor to facilitate a conversation with the individual perceived to have been uncivil. Such a facilitated conversation should focus on the expectation of civility and requirements for achieving civil exchanges in the future.

**Step 3:** At any time after Step 2 has been attempted, if it is determined that civil communications and appropriate problem-solving cannot be restored between/among the individuals affected, the employee's supervisor should help the employee to establish requirements for further communications (i.e., the presence of a specified third person, restrictions on physical access to the employee's work space) in order to protect the employee's rights. \* The supervisor may also suggest such additional resources as mentoring, specific training, and/or written materials that address the employee's needs.

**Step 4:** At any time after Step 3 has been implemented, if uncivil conduct toward an employee continues, the employee and his/her supervisor will discuss and select remedies beyond Policy 5282 available to all employees of the Issaquah School District.

*\*Note: At all times, the Executive Director of Human Resources and/or Director of Classified Personnel shall be a resource to any employee whose working relationship to the individual perceived to have been uncivil creates an unusual obstacle to problem-solving.*

- C. **Students.** If students believe they have been treated in an uncivil manner by an employee, adult volunteer, or another student within the Issaquah School District, they should follow the steps outlined below:

**Step1:** Within two days of the incident, seek advice from a counselor, teacher, or other trusted employee of the school, as well as from a parent. If advisable, speak directly and respectfully with the individual, in an appropriate time, place and manner, seeking to resume communications on a civil basis.

**Step 2:** If direct, personal contact with the individual is not advised or does not produce a satisfactory result, the student should ask a counselor, teacher or administrator to facilitate a conversation between the student and the individual perceived to have been uncivil. Such a facilitated conversation should occur with the knowledge of the student's parent and should focus on the expectation of civility and requirements for achieving civil exchanges in the future.

**Step 3:** At any time after Steps 1 and 2 have been attempted, if it is determined that civil communications and appropriate problem-solving cannot be restored between/among the individuals affected, the principal may modify the conditions under which the individuals interact with one another and may suggest or require the use of additional resources to help address needs.

**Step 4:** At any time after Steps 1, 2, and 3 have been attempted, if uncivil conduct toward a student continues, the student and administrator will discuss and select remedies beyond Policy 5282 available to all students of the Issaquah School District.

Retaliation toward any person making proper use of District policies and procedures is unacceptable and will not be tolerated.