

PROHIBITION OF HARASSMENT, INTIMIDATION, AND BULLYING

POLICY:

The District is committed to a safe and civil educational environment for all students, employees, parents/legal guardians, volunteers, and patrons free from harassment, intimidation, or bullying. "Harassment, intimidation, or bullying" means any intentional written message or image, including those that are electronically transmitted—verbal, or physical act, including but not limited to, one shown to be motivated by race, color, religion, ancestry, national origin, gender, sexual orientation, including gender expression or identity, mental or physical disability, or other distinguishing characteristics, when an act:

- physically harms a student or damages the student's property.
- has the effect of substantially interfering with a student's education.
- is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment.
- 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

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 policy is not intended to prohibit expression of religious, philosophical, or political views, provided that the expression does not substantially disrupt the

educational environment. Many behaviors that do not rise to the level of harassment, intimidation, or bullying may still be prohibited by other district policies or building, classroom, or program rules.

Training

This policy is a component of the District's responsibility to create and maintain a safe, civil, respectful and inclusive learning community and shall be implemented in conjunction with comprehensive training of students, staff, and volunteers. The policy is to be implemented in conjunction with the Comprehensive Safe Schools Plan that includes prevention, intervention, crisis response, recovery, and annual review.

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 perpetrator, and to restore a positive school climate.

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

Retaliation/False Allegations

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

It is also a violation of district policy 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 policy implementation. The name and contact information for the Compliance Officer will be communicated throughout the district.

The Superintendent is authorized to direct the implementation of procedures addressing the elements of this policy.

Legal References:

RCW 28A.300.285 Harassment, intimidation, and bullying prevention policies
RCW 28A.600.480 Reporting of harassment, intimidation, or bullying –
Retaliation prohibited – Immunity
RCW 9A.36.080 Malicious Harassment – Definition and criminal penalty
RCW 28A.642 K-12 Education – Prohibition of discrimination
RCW 49.60 Discrimination – Human Rights Commission

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PROCEDURES:

I. Introduction

- A. The Lake Stevens 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.
- B. In order to ensure respect and prevent harm, it is a violation of district policy for a student to harass, intimidate, or bully others in school, on school district property, at school-sponsored events, and at off-campus programs and activities approved by the school district or when such actions create a substantial disruption to the educational process.
- C. Student(s) shall not harass, intimidate, or bully others based on actual or perceived race, color, religion, ancestry, national origin, sexual orientation, gender, gender identity, physical or mental disability, marital status, socioeconomic status, physical appearance, or other distinguishing characteristics which can include, but are not limited to, physical appearance, clothing, or other apparel. There is no requirement that the targeted or affected student actually possess the characteristic that is the basis for the harassment, intimidation, or bullying.

II. Definitions

- A. Aggressor means a student, staff member, or other member of the school community who engages in the harassment, intimidation, or bullying of a student.
- B. Electronic means transmission of information by wire, radio, optical cable, electromagnetic, or other similar means.
- C. 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.
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 or affected student’s grades, attendance, demeanor, interaction with peers, participation in activities, and other indicators.

Conduct that may rise to the level of harassment, intimidation, and bullying may include, but is not limited to, slurs, taunts, name-calling, sexting, rumors, jokes innuendoes, demeaning comments, drawings, cartoons, pranks, gestures, overt ostracism, belittling, physical attacks, threats, or other written, oral, physical, or electronically transmitted messages or images.

- D. Incident Reporting Form means the form for reporting incidents of harassment, intimidation, or bullying. The form is available in each school’s main office and at the district website under the “Parent and Student” menu. Click on the “bullying and harassment” tab.
- E. Parent means a parent, guardian, or a person having legal custody of a child. If the student is eighteen (18) years of age or older, or is legally emancipated, the procedures for the parent in this regulation may be exercised by the student.
- F. Retaliation means action when an aggressor harasses, intimidates, or bullies anyone who has reported incidents of bullying.
- G. Sexting means the sending, possession, displaying, or distribution of text messages and pictures of an explicit sexual nature.
- H. 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, service providers, volunteers, and paraprofessionals.
- I. Targeted or Affected Student means a student against whom harassment, intimidation, or bullying has allegedly been perpetrated.

III. Relationship to Other Laws

- A. This regulation applies only to RCW 28A.300.285, Harassment, Intimidation, and Bullying Prevention. There are other laws and procedures to address related issues such as sexual harassment or discrimination (Policy No. 5500 and procedures).
- B. At least four other Washington laws may apply to harassment or discrimination:

1. RCW 28A.300.285, 12 Education - - Harassment, Intimidation and Bullying
 2. RCW 28A.640.020, Sexual Harassment
 3. RCW 28A.642, Prohibition of Discrimination in Public Schools
 4. RCW 49.60, Discrimination - Human Rights Commission
- C. The District will ensure its compliance with all state laws regarding harassment, intimidation, or bullying. Incidents that involve physical injury to a child may give reasonable cause to suspect child abuse. Nothing in this regulation prevents a student or parent from taking action to remediate harassment or discrimination under local, state, or federal law.

IV. Prevention

- A. Notice - In each school and on the District's website information on reporting harassment, intimidation, and bullying shall be prominently posted. The notice shall include the contact information for making a report to a school administrator and the name and contact information of the District's Compliance Officer. The policy and regulation will be available in each school in a language that families can understand. Annually, the Superintendent or designee will ensure that a statement summarizing the policy and regulation is provided in student, staff, volunteer, and parent handbooks; is available in school and district offices; and is posted on the District's website.
- B. 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 and the website where an online form is available.
- C. Training - Staff will receive annual training on the District's policy and regulation, including staff roles and responsibilities on monitoring the classroom, locker rooms, common areas, and school-sponsored events both on and off campus, and the use of the District's Incident Reporting Form.
- D. Prevention Strategies - The District will implement a range of prevention strategies including individual, classroom, school, and district-level approaches. In developing the strategies the District will collaborate with families, law enforcement, and other community agencies.

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.

V. Compliance Officer

- A. The District Assistant Superintendent of Human Resources is designated as the Compliance Officer for the Lake Stevens School District with the responsibility to:
1. Serve as the District's primary contact for harassment, intimidation, and bullying.
 2. Provide support and assistance to the principal or designee in resolving complaints.
 3. Receive copies of all Incident Reporting Forms, Discipline Referral Forms, and letters to parents providing the outcomes of investigations.
 4. 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 policy and regulation 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 receives annual fall training.
 7. Provide the OSPI School Safety Center with notification of policy or regulation updates or changes on an annual basis.
 8. In cases where, despite school efforts, a targeted or affected student experiences harassment, intimidation, or bullying that threatens the student's health and safety, or substantially interferes with the student's education, the Compliance Officer will facilitate a meeting between district staff and the student's parents to develop a safety plan to protect the student.

VI. Staff Intervention

All staff members shall intervene when witnessing harassment, intimidation, or bullying. Minor incidents that staff is able to resolve immediately, or incidents that do not meet the definition of harassment, intimidation, or bullying, may require no further action under this procedure. If a staff member receives a report of unresolved, severe, or persistent harassment, intimidation, or bullying they will inform the building principal or designee or direct the student to the building principal or their designee to fill out the Incident Report Form and begin an investigation.

VII. Filing an Incident Reporting Form

Any student who believes he or she has been the target of or affected by 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 or affected by unresolved, severe, or persistent harassment, intimidation, or bullying, may report incidents verbally or in writing.

VIII. Addressing Bullying – Reports

A. Step 1: Filing an Incident Reporting Form

1. In order to protect a targeted or affected student from retaliation, a student need not reveal his/her identity on an Incident Reporting Form. The form may be filed anonymously, confidentially, or the student may choose to disclose his or her identity (non-confidential).
2. Status of Reporter
 - a) 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 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.
 - b) 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.
 - c) 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 to protect complainants and witnesses.

B. Step 2: Receiving an Incident Reporting Form

1. All staff are responsible for receiving oral reports. Incident reporting forms should be directed to the building principal or designee. Whenever possible staff who initially receive an oral report of harassment, intimidation, or bullying shall attempt to resolve the incident immediately. If the incident is resolved to the

satisfaction of the parties involved or if the incident does not meet the definition of harassment, intimidation, or bullying, no further action may be necessary under this regulation.

2. All reports of unresolved, severe, or persistent harassment, intimidation, or bullying will be recorded on the District's Incident Reporting Form and submitted to the principal or designee, unless the principal or designee is the subject of the complaint, in which case the report shall be submitted to the Assistant Superintendent of Human Resources.

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

1. All reports of unresolved, severe, or persistent harassment, intimidation, or bullying will be investigated following the time line set forth below. Any student may have a trusted adult with them throughout the report and investigation process.
 - a) Upon receipt of the Incident Reporting Form that alleges unresolved, severe, or persistent harassment, intimidation or bullying, the school or district designee will begin the investigation. If there is potential for clear and immediate physical harm to the complainant, the District will immediately contact law enforcement and inform the parent.
 - b) During the course of the investigation, the District will take reasonable measures to ensure that no further incidents of harassment, intimidation, or bullying occur between the complainant and the alleged aggressor. If necessary, the District will implement a safety plan for the student(s) involved. The plan may include changing seating arrangements for the complainant and/or the alleged aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a safe person for the complainant; altering the alleged aggressor's schedule and access to the complainant; and other measures.
 - c) Within two (2) school days after receiving the Incident Reporting Form, the school designee will notify the families of the students involved that a complaint was received and direct the families to the District's policy and regulation on harassment, intimidation, and bullying.
 - d) If after consultation with the student and appropriate staff the District has evidence that it would substantially interfere with the education or threaten the health and safety of the complainant or the alleged aggressor to involve his or her parent, the District may initially refrain from contacting the parent in its investigation of harassment, intimidation, and bullying. If professional school personnel suspect that a student is subject to

abuse and neglect, they must follow district policy and regulation for reporting suspected cases to Child Protective Services.

- e) The investigation shall include, at a minimum:
 - (1) An interview with the complainant.
 - (2) An interview with the alleged aggressor.
 - (3) A review of any previous complaints involving either the complainant or the alleged aggressor.
 - (4) Interviews with other students or staff members who may have knowledge of the alleged incident.
 - f) The complainant and aggressor shall not be interviewed together at any time.
 - g) The principal or designee may determine that other steps must be taken before the investigation is complete.
 - h) 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 and/or the student with weekly updates.
 - i) No later than two (2) school days after the investigation has been completed and submitted to the Compliance Officer, the principal or designee shall respond in writing or in person to the parent of the complainant and the parent of the alleged aggressor stating:
 - (1) The results of the investigation.
 - (2) Whether the allegations were found to be factual.
 - (3) Whether there was a violation of policy.
 - (4) The process for the complainant to file an appeal if the complainant disagrees with results.
2. 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 or affected student's parent about any disciplinary action taken unless it involves a directive that the targeted or affected student must be aware of in order to report violations.
 3. If the District chooses to contact the parent by letter, the letter will be mailed to the parent of the complainant and the parent of the alleged aggressor by United States Postal Service with return receipt requested unless it is determined, after consultation with the student and appropriate staff, that it could endanger the complainant or the alleged aggressor to involve his or her family. If professional school personnel suspect that a student is subject to abuse or neglect, as mandatory reporters they must follow district policy and regulation for reporting suspected cases to Child Protective Services.

4. If the incident is unable to be resolved at the school level, the principal or designee shall request assistance from the Assistant Superintendent of Human Resources.

D. Step 4: Corrective Measures for the Aggressor

1. 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 the applicable policies regarding 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.
2. If in an investigation a principal or 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.

E. Step 5: Targeted or Affected Student's Right To Appeal

1. If the complainant or parent is dissatisfied with the results of the investigation, they may appeal to the Superintendent or his or her designee by filing 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 or affected student remains dissatisfied after the initial appeal to the Superintendent, the student may appeal to the School Board by filing a written notice of appeal with the Secretary of the School Board on or before the fifth (5th) school day following the date upon which the complainant received the Superintendent's written decision.
3. An appeal before the School Board or Disciplinary Appeal Council must be heard on or before the tenth (10th) school day following the filing of the written notice of appeal to the School Board. The School Board or Disciplinary Appeal Council will review the record and render a written decision on the merits of the appeal on or before the fifth (5th) school day following the termination of the hearing and shall provide a copy to all parties involved. The Board or Council's decision will be the final district decision.

F. Step 6: Discipline/Corrective Action

1. The District will take prompt and equitable corrective measures within its authority on findings of harassment, intimidation, or bullying. Depending on the severity of the conduct, corrective measures may include counseling, education, discipline, and/or referral to law enforcement.
2. Corrective measures for a student who commits an act of harassment, intimidation, or bullying will be varied and graded according to the nature of the behavior, the developmental age of the student, or the student's history of problem behaviors and performance. Corrective measures that involve student discipline will be implemented according to applicable district policies regarding student discipline.
3. If the conduct was of a public nature or involved groups of students or bystanders, the District should strongly consider school-wide training or other activities to address the incident.
4. If an employee or contractor has been found to be in violation of this regulation, school districts may impose disciplinary action, up to and including termination. A volunteer or other person who has been found to be in violation of this regulation and regularly has contact with children shall be terminated.

G. Step 7: Support for the Targeted or Affected 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 shall be addressed and remedied as appropriate.

IX. Immunity/Retaliation

No school employee, student, or volunteer may engage in reprisal or retaliation against a targeted or affected 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.

X. Other Resources

Students and families should use the District's complaint and appeal procedures as a first response to allegations of harassment, intimidation, and bullying. However, nothing in this procedure prevents a student or parent from taking action to remediate discrimination or harassment. A harassment, intimidation, or bullying complaint may also be reported to the following state or federal agencies:

- OSPI Equity and Civil Rights Office (360) 725 - 6162 Email: equity@k12.wa.us www.k12.wa.us/Equity/default.aspx
- Washington State Human Rights Commission 1 (800) 233 - 3247 www.hum.wa.gov/index.html
- Office for Civil Rights, U.S. Department of Education, Region IX (206) 607 - 1600 Email: OCR.Seattle@ed.gov www.ed.gov/about/offices/list/ocr/index.html
- Department of Justice Community Relations Service 1 (877) 292 - 3804 www.justice.gov/crt/
- Office of the Education Ombudsman 1 (866) 297 - 2597 Email: OEOinfo@gov.wa.gov www.governor.wa.gov/oeo/default.asp
- OSPI Safety Center (360) 725 - 6044 <http://www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx>

XI. Other District Policies and Regulations

Nothing in this regulation 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 herein, but which are, or may be, prohibited by other district or school rules.