

Procedure and Standards Governing Harassment, Intimidation, or Bullying

A. Introduction

Edmonds School District strives to establish a safe and civil educational environment for all students. It is a violation of district policy for a member of the school community to harass, intimidate or bully a student on district property, at school-sponsored events, or when such actions create a substantial disruption of the educational process. The school community includes all students, school employees, school board members, contractors, volunteers, families, patrons, and other visitors. Students will not be harassed because of their race, color, religion, ancestry, national origin, gender, sexual orientation, including gender expression or 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 steps to report the harassment to a building administrator or to stop the harassment and prevent its reoccurrence.

B. Definitions

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

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

- 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, or
- Has the effect of substantially disrupting the orderly operation of the school.

To determine whether conduct is "substantially interfering with a student's education," the district will consider 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, and 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.

Incident Reporting Form – shall be used by students, families, or staff to report incidents of harassment, intimidation, and bullying (HIB Reporting Form).

Retaliation – when an aggressor takes an adverse action, such as additional harassment, intimidation, and bullying, against a student who has reported harassment, intimidation, and bullying.

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

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

C. Relationship to Other Laws

This procedure 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.

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

D. Prevention

1. Dissemination

In each school and on the district's website, the district will prominently post information on reporting harassment, intimidation, and bullying; the name and contact information for making a report to a school administrator; and the name and contact information for the district compliance officer. The district's policy and procedure will be available in each school in a language that families can understand. Annually, the superintendent will ensure that the policy and procedure, or a summary thereof, is provided in any student, staff, volunteer, or parent handbooks, is available in school and district offices and/or hallways, and is posted on the district's website.

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 HIB Reporting Form or a link to a Web-based form.

3. Training

Staff will receive annual training on the district's policy and procedure, including staff roles and responsibilities, how to monitor common areas, and the use of the district's HIB Reporting Form.

4. Prevention Strategies

The district will implement a range of prevention strategies including individual, classroom, school, and district-level approaches. Where feasible, the district will use evidence-based prevention methods that are designed to increase social competency, improve school climate, and eliminate harassment, intimidation, and bullying in schools.

E. Compliance Officer

The district compliance officer will:

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 HIB Reporting Forms, related 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 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 receives annual fall training.
7. Provide the OSPI School Safety Center with notification of policy or procedure updates or changes on an annual basis.
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.

F. Staff Intervention

All staff members shall intervene when witnessing or receiving reports of 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.

All staff members shall record reports of unresolved, severe, or persistent harassment, intimidation, or bullying on a district HIB Reporting Form and shall promptly submit the form to the principal or designee.

G. Reporting Harassment, Intimidation, and Bullying

Any student who believes he or she has been the target of unresolved, severe, or persistent harassment, intimidation, or bullying, may report incidents verbally or in writing to any school staff member.

Any other person in the school community (other than a staff member) 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.

H. Addressing Bullying – Reports

Step 1: Filing an Incident Reporting Form

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

Status of Reporter

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 reports. Possible responses to an anonymous report include enhanced monitoring of specific locations at certain times of the day or increased monitoring of specific students or staff. (Example: An unsigned HIB Reporting Form dropped on a teacher's desk led to the increased monitoring of the boys' locker room in 5th period.)

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. (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 monitoring the basketball court, if that would help.")

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 policy and procedure to protect complainants and witnesses.

Step 2: Receiving an HIB Incident Reporting Form

All staff are responsible for receiving oral and written reports. Whenever feasible, staff who initially receives an oral or written 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 procedure.

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

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

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

a. Upon receipt of the HIB Reporting Form that alleges unresolved, severe, or persistent harassment, intimidation or bullying, the principal or 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.

b. During the course of the investigation, the district will take reasonable measures to prevent further incidents of harassment, intimidation, or bullying between the targeted student(s) 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 targeted student(s) 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 targeted student(s); altering the alleged aggressor's schedule and access to the targeted student(s), and other reasonable measures.

c. Within two (2) school days after receiving the HIB Reporting Form, the principal or designee will notify the families of the students involved that a complaint was received and direct the families to the district's policy and procedure on harassment, intimidation, and bullying.

d. 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, and bullying. If professional school personnel suspect that a student is subject to abuse and neglect, they must follow district policy for reporting suspected cases to Child Protective Services.

e. The investigation shall include, at a minimum:

- An interview with the complainant.
- An interview of the targeted student (if different than the complainant).
- An interview with the alleged aggressor.
- A review of any previous complaints involving either the targeted student or the alleged aggressor.

- Interviews with other students or staff members who may have knowledge of the alleged incident.

f. The principal or designee may determine that other steps must be taken before the investigation is complete.

g. 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.

h. 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/guardian of the complainant and the alleged aggressor stating:

- The results of the investigation.
- Whether the allegations were found to be factual.
- Whether there was a violation of policy.
- The process for the complainant to file an appeal if the complainant disagrees with 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 students' parent/guardian about any disciplinary action taken unless it involves a directive that the targeted student must be aware of in order to report violations.

If a district chooses to contact the parent/guardian by letter, the letter will be mailed to the parent/guardian of the complainant and alleged aggressor by United States postal service with return receipt requested unless it is determined, after consultation with the student and appropriate staff (psychologist, counselor, social worker) that it could endanger the complainant or the alleged aggressor to involve his or her family.

If the complaint is unable to be resolved at the school level, the principal or designee shall request assistance from the district.

Step 4: Corrective Measures for the Aggressor

After completion of the investigation, the principal or 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 with the parents/guardians regarding the outcome of the investigation. Corrective measures that involve student discipline will be implemented according to District Policy 8220 – Student Rights and Responsibilities. If the accused aggressor is appealing imposition of discipline, the district may be prevented by due process considerations or a lawful order from imposing discipline until the appeal process is concluded. 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.

Step 5: Targeted Student's Right to Appeal

1. If the targeted student 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, 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. Unless otherwise agreed, 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 written record, hear oral argument from the parties, and render a written decision on the merits of the appeal on or before the fifth (5th) school day following the conclusion of the hearing. The school board shall provide a copy of its written decision to all parties involved. The board's decision will be the final district decision.

Step 6: Discipline/Corrective Action

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

Corrective measures for a student who commits an act of harassment, intimidation, or bullying will be varied and graded according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance. Corrective measures that involve student discipline will be implemented according to the District Policy 8220 – Student Rights and Responsibilities.

If the harassment, intimidation, and bullying was of a public nature or involved groups of students or bystanders, the district will consider school wide training or other activities to address the incident.

If staff has been found to be in violation of this policy and procedure, the district may impose disciplinary action, up to and including termination of employment. 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 impose disciplinary action on a certificate, up to and including revocation. Contractor violations of this policy may include the loss of contracts.

Step 7: Support for the Targeted Student

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

I. Immunity/Retaliation

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

J. Other Resources

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

- OSPI Equity and Civil Rights Office (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: OEInfo@gov.wa.gov
- OSPI Safety Center (360)725-6044
<http://www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx>

K. Other District Policies and Procedures

Nothing in this policy or procedure is intended to prohibit discipline or remedial action for inappropriate behaviors that do not rise to the level of harassment, intimidation, or bullying as defined herein.

Edmonds School District

Adopted: 06.17.03

Revised: 07.10.07; 06.07.11

Procedure Addendum - Responding to Vandalism / Racist Act

Administrative Procedure

The Edmonds School District expects members of its community to treat one another with respect, dignity, and compassion. Acts of prejudice, hatred, and discrimination will not be tolerated. Violations of these expectations will be investigated immediately according to the protocols outlined below.

Training

Training will be conducted with staff on an annual basis in accordance with Teaching Tolerance: *Responding to Hate and Bias at School*, a guide for administrators, counselors and teachers.

Operations Response

1. Both staff and non-staff observers of any act of vandalism/possible hate crime should immediately call 911.
 - a. Calls placed to 911 will, in the majority of cases, result in the District being notified per developed plan with SnoCom.
 - b. Staff observers will, in-turn, call the District's internal emergency number. The emergency duty officer will discuss the nature and extent of vandalism with the staff member or SnoCom and relay messages to the on-call administrator.
2. The on-call administrator shall organize the appropriate response to be conducted immediately, contacting: the Executive Director of Business and Operations, Director of Facilities, appropriate Assistant Superintendent and site Principal, Communications Manager, and Superintendent.

Communication Response

Upon receipt of information regarding a racist act/hate crime, the principal or designee, in conjunction with the Superintendent and District Communications office, will communicate with law enforcement to compile factual information for communication to families and community. Providing factual information to families is the District's priority. The timeline and method of communication will vary depending on the circumstances involved and the ability to provide accurate information. Following initial communication, appropriate updates as needed will follow.