
The Washougal School District recognizes all employees need the information contained in the following policies:

RCW 42.52.160  Ethics in Public Service  3245  Student Use of Electronic Communication Tools
2022  Instructional Technology and Electronic Resources  3421  Child Abuse, Neglect and Exploitation Prevention
2025  Copyright Compliance
2161  Special Education and Related Services for Eligible Students  4020  Confidential Communication
2190  Highly Capable Program  4040  Public Access to District Records
2320  Field Trips and School Activities - High Risk Activities to Avoid
  - Expectations for Supervision During Field Trips  4210  Regulation of Dangerous Weapons on School Premises
  4215  Use of Tobacco and Nicotine Substances
  4220  Complaints Concerning Staff or Programs
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2333  Flag Exercises  4314  Notification of Threats of Violence or Harm
2336  Required Observances
2340  Religious-related Activities  5010  Nondiscrimination and Affirmative Action
2420  Grading and Progress Reports
3122  Excused & Unexcused Absences  5011  Sexual Harassment
3207  Prohibition of Bullying and Harassment  5201  Drug Free Schools
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3240  Student Conduct and Discipline
3244  Prohibition of Corporal Punishment

Please read the enclosed District Policies and sign below:

I have read and understand that the above policies outline the guidance I am to follow when dealing with the issues they address.

____________________________________________  __________________________
Employee’s Signature    Date

____________________________________________
Employee’s Name (PRINTED)

Tear this page out, sign, and return to your school secretary
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Note: This handbook is not meant to be a complete list. A full listing of WSD Board policies can be found on the WSD Website at www.washougal.k12.wa.us. Board policies and related state laws are subject to change without notice, and staff are expected to follow any and all relevant laws and policies that may apply.
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Ethics in Public Service - Use of Persons, Money, or Property for Private Gain

RCW 42.52.160, Use of persons, money or property for private gain, states:

(1) No state officer or state employee may employ or use any person, money, or property under the officer's or employee's official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another.

(2) This section does not prohibit the use of public resources to benefit others as part of a state officer's or state employee's official duties.

(3) The appropriate ethics boards may adopt rules providing exceptions to this section for occasional use of the state officer or state employee, of de minimis cost and value, if the activity does not result in interference with the proper performance of public duties.

What does this mean?

State employees have a duty to conserve public resources and funds against misuse and abuse. Basically, the idea is that we are using taxpayers’ money and we must be respectful of that fact and you cannot use state resources for private benefit or gain unless within an allowable exception within the ethics law or under WAC 292-110-010. Supervisors and anyone who manages others must be especially aware of this principle because they are in a position to affect the flow of resources as well as model appropriate behavior.

Before you feel guilty about sending the occasional personal e-mail or using the phone to check on your family, know that the ethics board has adopted rules providing exceptions to this section for occasional or de minimis use if the activity does not result in interference with the proper performance of official duties.

What is “de minimis” use of state resources?  A de minimis (minimal) use is an infrequent or occasional use that results in little or no actual cost to the state. An occasional brief local phone call to make a medical appointment or check on a loved one is an example of allowable de minimis use of state resources. The cost of a brief local phone call is small and not likely to interfere with your job. The Executive Ethics Board has adopted guidelines for the exceptions to the “no personal use” rule. These exceptions are narrow and don’t apply to all state resources. The Board allows limited unofficial (not job related) use if:

- There is little or not cost to the state—no scan code use;
- There is no interference with the performance of official duties;
• The use is brief in **duration** and **frequency**, i.e. 5 to 10 minutes, every once in a while;
• The use does not compromise the security or integrity of state information or software;
• The use does not disrupt other state employees, or does so very minimally.

In other words, you can make that occasional local telephone call or write an infrequent personal e-mail. You can even briefly use the Internet for personal use—as long as it is for nothing illegal or unprofessional. As a guide, ask yourself the following questions. If any are a “yes,” don’t use the state resource for personal matters:

• Will my use of state resources result in added costs or any other disadvantage to the state?
• Am I using this resource in order to avoid personal expense?
• Will my use of state resources compromise the security or integrity of state information or software?

**General prohibitions of “de minimis” use of state resources.** Certain uses of state resources are prohibited **regardless** of whether there is little or no cost to the state, it’s brief/infrequent and the use does not interfere with the performance of official duties. **These uses are absolutely not allowed - not even if you are on break or it is after hours.** These uses are:

• Any use for the purpose of conducting an outside business, whether or not for profit;
• Any use for the purpose of conducting outside group activities, unless authorized;
• Any use for the purpose of assisting the campaign of any candidate for election for the election to any office, or to oppose or promote (lobbying) a ballot proposition;
• Any use for commercial purposes such as advertising or selling;
• Illegal activities or activities incompatible with a professional workplace, i.e. accessing adult-oriented sites or gambling on the Internet;
• Any use of consumable state resources (paper, spare parts, postage, envelopes, etc.).

**Other Standards You Need to Know.**

• No personal use may be made of state resources that are removed from a state facility.
• Personal use of state resources may not be reimbursed. Why? According to WAC 292-110-010(6), this is to keep from allowing the rationalization of on-going personal use of state resources that should not be used in the first place.

Scenarios

1. A state employee operates an outside web consulting business. Everyday she makes or receives five to ten personal business calls on her state office telephone. All of the calls are local calls. Violation?

2. It’s Friday afternoon and Kathy needs to find out the best way to get to a party after work. She is going directly from work to the party so doesn’t have time to go home before the event. She accesses Map Quest, an internet directions and map site, using her college computer. Violation?

3. Petra’s son will be playing in the state soccer championships this weekend. Grandma and Grandpa live in Ohio but would love to see the little guy play. Petra takes home the agency’s video-cam which is stored in her office, uses her own tape, films the game, recharges the battery using her own electricity, and returns the camera Monday. Violation?

4. Marco has relocated to Seattle from another state. He works at a Community College as an exempt employee. During his lunch he uses his scan code to call his family and talks for 10 minutes. Violation?

Answers: 1 - Yes (use of equipment for personal gain)
2 - No (de minimis)
3 - Yes - (uses state equipment off-site)
4 - Yes - (uses long distance)
Instructional Technology and Electronic Resources

The Washougal Board of Directors recognizes that an effective public education system develops students who are globally aware, civicly engaged, and capable of managing their lives and careers. The board also believes that students need to be proficient and safe 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 use these tools. 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.

To help ensure student safety and citizenship in online activities, all students will be educated about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyberbullying awareness and response.

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.

Use of the Internet

The question of Internet safety includes issues regarding the use of the Internet, Internet-ready, and other electronic devices in a manner that promotes safe online activity for children, protects children from cybercrimes, including crimes by online predators and cyberbullying, and helps parents shield their children from materials that are inappropriate for minors.

To promote the safe and appropriate online behavior of students and staff as they access material from the Internet, the district will use the following four-part approach. However, given the ever-changing nature of the Internet, the district cannot guarantee that a student will never be able to access objectionable material.

1. **Network Use Agreement:** Any student or staff member using the Internet from a computer in the district facility must have a valid Network Use Agreement on file;
2. **Filter:** All district-owned computers in all district facilities capable of accessing the Internet must use filtering software to prevent access to obscene, racist, hateful or violent material;
3. **Supervision:** When students use the Internet from school facilities, district staff will make a reasonable effort to supervise student access and use of the Internet. If material is accessed that violates standards in the materials selection procedures of the Network Use Agreement, then district staff may instruct the person to cease using that material and/or implement sanctions contained in the Network Use Agreement; and
4. **Instruction:** All students will be educated about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyberbullying awareness and response.
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Legal Reference:  
18 USC §§ 2510-2522  Electronic Communication Privacy Act  

Management Resources:  

- *Policy News*, October 2012  Updates and Corrections  
- *Policy News*, February 2012  Federal Guidance Requires Changes to Electronic Resources Policy  
- *Policy News*, June 2008  Electronic Resources  
- *Policy News*, June 2001  Congress Requires Internet Blocking at School  
- *Policy News*, August 1998  Permission required to review e-mail  

Adoption Date:  10.22.96  
Washougal School District  
Revised:  07.26.01; 10.12.10; 04.24.12; 04.23.13
Electronic Resources

K-20 Network Acceptable Use Guidelines/Internet Safety Requirements
These procedures are written to support the Electronic Resources Policy of the board of directors and to promote positive and effective digital citizenship among students and staff. Digital citizenship represents more than technology literacy. Successful, technologically-fluent digital citizens live safely and civilly in an increasingly digital world. They recognize that information posted on the Internet is public and permanent and can have a long-term impact on an individual’s life and career. Expectations for student and staff behavior online are no different from face-to-face interactions.

Use of Personal Electronic Devices
In accordance with all district policies 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 will retain the final authority in deciding when and how students may use personal electronic devices on school grounds and during the school day.

Network
The district network includes wired and wireless devices and peripheral equipment, files and storage, e-mail and Internet content (blogs, websites, collaboration software, social networking sites, wikis, etc.). The district reserves the right to prioritize the use of, and access to, the network.

All use of the network must support education and research and be consistent with the mission of the district.

Acceptable network use by district students and staff include:

A. Creation of files, digital projects, videos, web pages and podcasts using network resources in support of education and research;
B. Participation in blogs, wikis, bulletin boards, social networking sites and groups and the creation of content for podcasts, e-mail and webpages that support education and research;
C. With parental permission, the online publication of original educational material, curriculum related materials and student work. Sources outside the classroom or school must be cited appropriately;
D. Staff use of the network for incidental personal use in accordance with all district policies and procedures; or
E. Connection of personal electronic devices (wired or wireless) including portable devices with network capabilities to the district network after checking with the Technology Director to confirm that the device is equipped with up-to-date virus software, compatible network card and is configured properly. Connection of any personal electronic device is subject to all procedures in this document.

Unacceptable network use by district students and staff includes but is not limited to:

A. Personal gain, commercial solicitation and compensation of any kind;
B. Actions that result in liability or cost incurred by the district;
C. Downloading, installing and use of games, audio files, video files, games or other applications (including shareware or freeware) without permission or approval from the District technology department;
D. Support for or opposition to ballot measures, candidates and any other political activity;
E. Hacking, cracking, vandalizing, the introduction of viruses, worms, Trojan horses, time bombs and changes to hardware, software and monitoring tools;

F. Unauthorized access to other district computers, networks and information systems;

G. Cyberbullying, hate mail, defamation, harassment of any kind, discriminatory jokes and remarks;

H. Information posted, sent or stored online that could endanger others (e.g., bomb construction, drug manufacturing);

I. Accessing, uploading, downloading, storage and distribution of obscene, pornographic or sexually explicit material; or

J. Attaching unauthorized devices to the district network. Any such device will be confiscated and additional disciplinary action may be taken.

The district will not be responsible for any damages suffered by any user, including but not limited to, loss of data resulting from delays, non-deliveries, mis-deliveries or service interruptions caused by his/her own negligence or any other errors or omissions. The district will not be responsible for unauthorized financial obligations resulting from the use of, or access to, the district’s computer network or the Internet.

Internet Safety

Personal Information and Inappropriate Content:

A. Students and staff should not reveal personal information, including a home address and phone number on web sites, blogs, podcasts, videos, social networking sites, wikis, e-mail or as content on any other electronic medium;

B. Students and staff should not reveal personal information about another individual on any electronic medium without first obtaining permission;

C. No student pictures or names can be published on any public class, school or district website unless the appropriate permission has been obtained according to district policy; and

D. If students encounter dangerous or inappropriate information or messages, they should notify the appropriate school authority.

Filtering and Monitoring

Filtering software is used to block or filter access to visual depictions that are obscene and all child pornography in accordance with the Children’s Internet Protection Act (CIPA). Other objectionable material could be filtered. The determination of what constitutes “other objectionable” material is a local decision.

A. Filtering software is not 100 percent effective. While filters make it more difficult for objectionable material to be received or accessed, filters are not a solution in themselves. Every user must take responsibility for his/her use of the network and Internet and avoid objectionable sites;

B. Any attempts to defeat or bypass the district’s Internet filter or conceal Internet activity are prohibited (e.g., proxies, https, special ports, modifications to district browser settings and any other techniques designed to evade filtering or enable the publication of inappropriate content);

C. E-mail inconsistent with the educational and research mission of the district will be considered SPAM and blocked from entering district e-mail boxes;

D. The district will provide appropriate adult supervision of Internet use. The first line of defense in controlling access by minors to inappropriate material on the Internet is deliberate and consistent monitoring of student access to district devices;
E. Staff members who supervise students, control electronic equipment or have occasion to observe student use of said equipment online, must make a reasonable effort to monitor the use of this equipment to assure that student use conforms to the mission and goals of the district;

F. Staff must make a reasonable effort to become familiar with the Internet and to monitor, instruct and assist effectively; and

Internet Safety Instruction
All students will be educated about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyberbullying awareness and response:

A. Age appropriate materials will be made available for use across grade levels; and

B. Training on online safety issues and materials implementation will be made available for administration, staff and families.

Copyright
Downloading, copying, duplicating and distributing software, music, sound files, movies, images or other copyrighted materials without the specific written permission of the copyright owner is generally prohibited. However, the duplication and distribution of materials for educational purposes is permitted when such duplication and distribution falls within the Fair Use Doctrine of the United States Copyright Law (Title 17, USC) and content is cited appropriately.

Ownership of Work
All work completed by employees as part of their employment will be considered property of the district. The District will own any and all rights to such work including any and all derivative works, unless there is a written agreement to the contrary.

All work completed by students as part of the regular instructional program is owned by the student as soon as it is created, unless such work is created while the student is acting as an employee of the school system or unless such work has been paid for under a written agreement with the school system. If under an agreement with the district, the work will be considered the property of the District. Staff members must obtain a student’s permission prior to distributing his/her work to parties outside the school.

Network Security and Privacy

Network Security
Passwords are the first level of security for a user account. System logins and accounts are to be used only by the authorized owner of the account for authorized district purposes. Students and staff are responsible for all activity on their account and must not share their account password.

The following procedures are designed to safeguard network user accounts:

A. Change passwords according to district policy;
B. Do not use another user’s account;
C. Do not insert passwords into e-mail or other communications;
D. If you write down your user account password, keep it in a secure location;
E. Do not store passwords in a file without encryption;
F. Do not use the “remember password” feature of Internet browsers; and
G. Lock the screen or log off if leaving the computer.

Student Data is Confidential
District staff must maintain the confidentiality of student data in accordance with the Family Educational Rights and Privacy Act (FERPA).
No Expectation of Privacy
The district provides the network system, e-mail and Internet access as a tool for education and research in support of the district’s mission. The district reserves the right to monitor, inspect, copy, review and store without prior notice information about the content and usage of:

A. The network;
B. User files and disk space utilization;
C. User applications and bandwidth utilization;
D. User document files, folders and electronic communications;
E. E-mail;
F. Internet access; and
G. Any and all information transmitted or received in connection with network and e-mail use.

No student or staff user should have any expectation of privacy when using the district’s network. The district reserves the right to disclose any electronic messages to law enforcement officials or third parties as appropriate. All documents are subject to the public records disclosure laws of the State of Washington.

Archive and Backup
Backup is made of all district e-mail correspondence for purposes of public disclosure and disaster recovery. Barring power outage or intermittent technical issues, staff and student files are backed up on district servers regularly. Refer to the district retention policy for specific records retention requirements.

Disciplinary Action
All users of the district’s electronic resources are required to comply with the district’s policy and procedures (and agree to abide by the provisions set forth in the district's user agreement). Violation of any of the conditions of use explained in the Acceptable User Policy (A.U.P.), Electronic Resources policy or in these procedures could be cause for disciplinary action, including suspension or expulsion from school and suspension or revocation of network and computer access privileges.
Copyright Compliance

The board recognizes that federal law makes it illegal to duplicate copyrighted materials without authorization of the holder of the copyright, except for certain exempt purposes.

Severe penalties may be imposed for unauthorized copying or using of audiovisual or printed materials and computer software, unless the copying or using conforms to the "fair use" doctrine.

Under the "fair use" doctrine, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship or research. If duplicating or changing a product is to fall within the bounds of fair use, these four standards must be met for any of the foregoing purposes:

A. THE PURPOSE AND CHARACTER OF THE USE. The use must be for such purposes as teaching or scholarship.

B. THE NATURE OF THE COPYRIGHTED WORK. Staff may make single copies of: book chapters for use in research; instruction or preparation for teaching; articles from periodicals or newspapers; short stories, essays or poems; and charts, graphs, diagrams, drawings, cartoons or pictures from books, periodicals, or newspapers in accordance with these guidelines.

C. THE AMOUNT AND SUBSTANTIALITY OF THE PORTION USED. Copying the whole of a work cannot be considered fair use; copying a small portion may be if these guidelines are followed.

D. THE EFFECT OF THE USE UPON THE POTENTIAL MARKET FOR OR VALUE OF THE COPYRIGHTED WORK. If resulting economic loss to the copyright holder can be shown, even making a single copy of certain materials may be an infringement, and making multiple copies presents the danger of greater penalties.

While the district encourages its staff to enrich the learning programs by making proper use of supplementary materials, it is the responsibility of district staff to abide by the district's copying procedures and obey the requirements of the law. In no circumstances will it be necessary for district staff to violate copyright requirements in order to perform their duties properly. The district cannot be responsible for any violations of the copyright law by its staff.

Any staff member who is uncertain as to whether reproducing or using copyrighted material complies with the district's procedures or is permissible under the law should contact the superintendent or the person designated as the copyright compliance officer. The latter will also assist staff in obtaining proper authorization to copy or use protected material when such authorization is required.

The superintendent or designee will notify the Federal Copyright Office of the district’s agent for receiving notifications that users of the district’s Internet network have infringed copyright.

Cross Reference: Board Policy 2022 Electronic Information Systems (Network)

Legal References: P.L. 94-553 Federal Copyright Law of 1976 (U.S. Code, Title 17)
P.L. 105-304 Digital Millennium Copyright Act of 1998

Management Resources: Policy News, October 2001, Copyright Information Update

Adoption Date: 02.09.99
Washougal School District
Revised: 10.12.10; 04.23.13
Copyright Compliance

Staff may make copies of copyrighted school district materials that fall within the following guidelines. Where there is reason to believe that the material to be copied does not fall within these guidelines, prior permission shall be obtained from the principal. Staff members who fail to follow this procedure may be held personally liable for copyright infringement.

Authorized Reproduction and Use of Copyrighted Material in Print

Reminders:

A. Materials on the Internet should be used with caution since they may be copyrighted;
B. Proper attribution (author, title, publisher, place and date of publication) should always be given;
C. Notice should be taken of any alternations to copyrighted works, and such alternations should only be made for specific instructional objectives; and
D. Care should be taken in circumventing any technological protection measures. While materials copied pursuant to fair use may be copied after circumventing technological protections against unauthorized copying, technological protection measures to block access to materials may not be circumvented.

In preparing for instruction, a teacher may make or have made a single copy of:

A. A chapter from a book;
B. An article from a newspaper or periodical;
C. A short story, short essay or short poem; or
D. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.

A teacher may make multiple copies of certain texts for classroom use or discussion if the copying meets the tests of “brevity, spontaneity and cumulative effect” set by the following guidelines. Copies may not exceed more than one per pupil. Each copy must include a notice of copyright.

A. Brevity
   1. A complete poem, if less than 250 words and two pages long, may be copied; excerpts from longer poems cannot exceed 250 words;
   2. Complete articles, stories or essays of more than 500 words and less than 2500 words may be copied;
   3. Excerpts from prose works that are more than 500 words and less than 1000 words or 10% of the work, whichever is less, may be copied;
   4. Each numerical limit may be expanded to permit the completion of an unfinished line of a poem or prose paragraph;
   5. One chart, graph, diagram, drawing, cartoon or picture per book or periodical issue may be copied; and
   6. “Special” works cannot be reproduced in full; this includes children's books combining poetry, prose or poetic prose. Short special works may be copied up to two published pages containing not more than 10 percent of the work.

B. Spontaneity – The copying should be at the “instance and inspiration” of the individual teacher when there is not a reasonable length of time to request and receive permission to copy.

C. Cumulative Effect – Teachers are limited to using copied material for only one course in the school in which copies are made. No more than one short poem, article, story or two excerpts from the same author may be copied, and no more than three works can be copied from a collective work or periodical column during one class term. Teachers are
limited to nine instances of multiple copying for one course during one class term. Limitations do not apply to current news periodicals, newspapers and current news sections of other periodicals.

Performances by teachers or students of copyrighted dramatic works without authorization from the copyright owner are permitted as part of a teaching activity in a classroom or instructional setting. All other performances require permission from the copyright owner.

The copyright law prohibits using copies to replace or substitute for anthologies, consumable works, compilations or collective works. “Consumable works” include workbooks, exercises, standardized tests, test booklets and answer sheets. Teachers cannot substitute copies for the purchase of books, publishers' reprints or periodicals, nor can they repeatedly copy the same item from term-to-term. Copying cannot be directed by a “higher authority “, and students cannot be charged more than the actual cost of photocopying.

Teachers may use copyrighted material in overhead or opaque projectors for instructional purposes.

**Authorized reproduction and use of copyrighted materials in the library:**

A library may make a single copy or three digital copies of:

A. An unpublished work which is in its collection;
B. A published work in order to replace it because it is damaged, deteriorated, lost, or stolen, provided that an unused replacement cannot be obtained at a fair price.
C. A work that is being considered for acquisition, although use is strictly limited the purpose of making an acquisition decision. Technological protection measures may be circumvented for purposes of copying materials in order to make an acquisition decision.

A library may provide a single copy of copyrighted material to a student or staff member at no more than the actual cost of photocopying. The copy must be limited to one article of a periodical issue or a small part of other material, unless the library finds that the copyrighted work cannot be obtained elsewhere at a fair price. If the item cannot be found at a fair price, the entire work may be copied. In any case, the copy shall contain the notice of copyright and the student or staff member shall be notified that the copy is to be used only for private study, scholarship or research. Any other use may subject the person to liability for copyright infringement.

At the request of a teacher, copies may be made for reserve use. The same limits apply as for single or multiple copies described in “Authorized Reproduction and Use of Copyrighted Material in Print.”

**Authorized Reproduction and Use of Copyrighted Music**

A teacher may make a single copy of a song, movement, or short section from a printed musical work that is unavailable except in a larger work for purposes of preparing for instruction.

A teacher may make multiple copies for classroom use of an excerpt of not more than 10% of a printed musical work if it is to be used for academic purposes other than performance, provided that the excerpt does not comprise a part of the whole musical work which would constitute a performable unit, such as a complete section, movement, or song. In an emergency, a teacher may make and use replacement copies of printed music for an imminent musical performance when the purchased copies have been lost, destroyed or are otherwise not available.

A teacher may make and retain a single recording of student performances of copyrighted material when it is made for purposes of evaluation or rehearsal.

A teacher may make and retain a single copy of excerpts from recordings of copyrighted musical works for use as aural exercises or examination questions.
A teacher may edit or simplify purchased copies of music provided that the fundamental character of the music is not distorted. Lyrics shall not be altered or added if none exist.

Performance by teachers or students of copyrighted musical works is permitted without the authorization of the copyright owner as part of a teaching activity in a classroom or instructional setting. The purpose shall be instructional rather than for entertainment.

Performances of nondramatic musical works which are copyrighted are permitted without the authorization of the copyright owner, provided that:

A. The performance is not for a commercial purpose;
B. None of the performers, promoters or organizers are compensated; and
C. Admission fees are used for educational or charitable purposes only.

All other musical performances require permission from the copyright owner.

**Off-Air Recording of Copyrighted Programs**

Television programs, excluding news programs, transmitted by commercial and non-commercial television stations for reception by the general public without charge may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained by a school for a period not to exceed the first forty-five (45) consecutive calendar days after date of recording. Upon conclusion of this retention period, all off-air recordings must be erased or destroyed immediately.

Off-air recording may be used once by individual teachers in the course of instructional activities, and repeated once only when reinforcement is necessary within a building, during the first ten (10) consecutive school days, excluding scheduled interruptions, in the forty-five (45) calendar day retention period.

Off-air recordings may be made only at the request of and used by individual teachers, and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.

A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers. Each additional copy shall be subject to all provisions governing the original recording.

After the first ten (10) consecutive school days, off-air recordings may be used up to the end of the forty-five (45) calendar day retention period only for evaluation purposes, i.e., to determine whether or not to include the broadcast program in the teaching curriculum. Permission must be secured from the publisher before the recording can be used for instructional purposes after the ten (10) day period.

Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.

**Authorized Reproduction And Use Of Copyrighted Computer Software**

Schools have a valid need for high-quality software at reasonable prices. To assure a fair return to the authors of software programs, the school district shall support the legal and ethical issues involved in copyright laws and any usage agreements that are incorporated into the acquisition of software programs.
To this end, the following guidelines shall be in effect:

A. All copyright laws and publisher license agreements between the vendor and the district shall be observed;

B. Staff members shall take reasonable precautions to prevent copying or the use of unauthorized copies on school equipment;

C. A back-up copy shall be purchased, for use as a replacement when a program is lost or damaged. If the vendor is not able to supply a back-up the district, in accordance with P.L. 96-517, Section 7(b), shall make a back-up program and attest that the program will be used for replacement purposes only;

D. The principal is authorized to sign a software license agreement on behalf of the school. A copy of this agreement shall be retained by the principal; and

E. A computer program may be adapted by adding to the content or changing the language. The adapted program may not be distributed.

**Fair Use Guidelines for Education Multimedia**

A. Fair use does not include posting a student or teacher’s work on the Internet if it includes portions of copyrighted materials. Permission to copy shall be obtained from the original copyright holder(s) before such projects are placed online;

B. Projects posted online will include a notice that they were prepared under the fair use exemption of the US copyright law and are restricted from further use;

C. Students may incorporate portions of copyrighted materials in producing educational multimedia projects for a specific course, and may perform, display or retain the projects; and

D. Educators may perform or display their own multimedia projects to students in support of curriculum-based instructional activities. These projects may be used:
   1. In face-to-face instruction;
   2. In demonstrations and presentations, including conferences;
   3. In assignments to students;
   4. For remote instruction if distribution of the signal is limited;
   5. Over a network that cannot prevent duplication for fifteen days; after fifteen days a copy may be saved on-site only; or
   6. In their personal portfolios.

Educators may use copyrighted materials in a multimedia project for two years, after that permission must be requested and received. The following limitations restrict the portion of any given work that may be used pursuant to fair use in an educational multimedia project:

A. Motion media: ten percent or three minutes, whichever is less;

B. Text materials: ten percent or 1,000 words, whichever is less;

C. Poetry: an entire poem of fewer than 250 words, but no more than three poems from one author or five poems from an anthology. For poems of greater than 250 words, excerpts of up to 250 words may be used, but no more than three excerpts from one poet or five excerpts from an anthology;

D. Music, lyrics and music video: Up to ten percent, but no more than thirty seconds. No alterations are allowed that change the basic melody or fundamental character of the work;

E. Illustrations, cartoons and photographs: No more than five images by an artist, and no more than ten percent or fifteen images whichever is less, from a collective work; and

F. Numerical data sets: Up to ten percent or 2,500 field or cell entries, whichever is less.
Copying Limitations

Circumstances will arise when staff are uncertain whether or not copying is prohibited. In those circumstances, the superintendent or designated copyright compliance officer should be contacted. The following prohibitions have been expressly stated in federal guidelines:

A. Reproduction of copyrighted material shall not be used to create or substitute for anthologies, compilations or collective works.

B. Unless expressly permitted by agreement with the publisher and authorized by district action, there shall be no copying from copyrighted consumable materials such as workbooks, exercises, test booklets, answer sheets and the like.

C. Staff shall not:

1. Use copies to substitute for the purchase of books, periodicals, music recordings, computer software or other copyrighted material except as permitted by district procedure;
2. Copy or use the same item from term to term without the copyright owner's permission;
3. Copy or use more than nine instances of multiple copying of protected material in any one term;
4. Copy or use more than one short work or two excerpts from works of the same author in any one term; or
5. Copy or use protected material without including a notice of copyright. The following is a satisfactory notice: NOTICE: THIS MATERIAL MAY BE PROTECTED BY COPYRIGHT LAW.

Staff shall not reproduce or use copyrighted material at the direction of someone in higher authority or copy or use such material in emulation of some other teacher's use of copyrighted material without permission of the copyright owner.
Special Education and Related Services for Eligible Students

The board recognizes that students whose disabilities adversely impact educational performance and who require specially designed instruction can improve their educational performance when they receive special education and related services tailored to fit their needs. The district adopts the state’s full educational opportunity goal to provide students in need of special education services with a free appropriate public education.

Special education programs for eligible students will be an integral part of the general educational programs of this district, and will be operated in compliance with federal and state requirements governing special education. The district will provide a continuum of placement options, which may include services within and outside the district depending on the student’s needs.

Not all students with disabilities are eligible for special education services. The needs of those students will be addressed individually and if, appropriate, the student will be provided accommodations or modifications required under Section 504 of the Rehabilitation Act in accordance with district policy and procedures.

Mediation or Resolution Agreements
The board authorizes the superintendent or a designee to bind the district to a mediation or resolution agreement.

Commencement Exercises/Certificate of Attendance
In order to participate in commencement exercises, students must have met the minimum criteria for graduation prior to the date of the exercise and otherwise be in good standing with their school through the commencement date. Minimum criteria for participation may be adjusted for students with an IEP whose disabilities have impacted their opportunity to accumulate credits. Each student’s IEP team will determine the student’s graduation plan, including graduation date. IEP students who have attended four years of high school and need additional time to complete IEP goals and/or credits may request participation in commencement exercises. IEP students will receive a certificate of attendance until they complete their credits for graduation.

The district superintendent will develop and maintain special education procedures necessary to implement this policy. This policy and the procedures will be available to the public.

Cross-References: Board Policy 2162
2410
3231
3241

Legal References: Chapter 28A.155 RCW
Chapter 49.60 RCW

Education of Students with Disabilities under Section 504
High School Graduation Requirements
Student Records
Classroom Management, Corrective Actions or Punishment
Special Education
Parents’ Access to Classroom or School Sponsored Activities — Limitation
Discrimination — human rights commission
WAC 392-172A  Rules for the Provision of Special Education


20 U.S.C. 1400 et seq.  Individuals with Disabilities Education Act of 2004


28 CFR Part 35  Nondiscrimination on the Basis of Disability in State and Local Government Services

34 CFR Part 99  Family Education Rights and Privacy Act (FERPA)

34 CFR Part 104  Nondiscrimination on the basis of handicap in programs and activities receiving federal financial assistance

34 CFR Part 300  Assistance to States for the Education of Children With Disabilities

34 CFR Part 303  Early Intervention Program for Infants and Toddlers with Disabilities

Management Resources:

Policy News, October 2009  Special Education Rules Revisions

Policy News, December 2007  Updated Special Education Policy and Procedure

Policy News, June 2007  Graduation Ceremonies for Special Education Students

Policy News, December 1999  Rule Adoption Leads to Special Education Policy

Adoption Date: 03.25.08
Washougal School District
Revised: 10.12.10; 04.23.13
Special Education and Related Services for Eligible Students

The purpose of the district’s special education program procedures is to address program areas where state and federal regulations require specific local procedures or permit local discretionary choices.

The state regulations governing implementation of special education services pursuant to the Individuals with Disabilities Education Improvement Act (IDEA) of 2004 are addressed in Chapter 392-172A WAC. These procedures do not address all of the requirements established in the regulations. District personnel who are not familiar with the regulations need to contact the Special Services Director if there are questions regarding special education. These procedures describe how the district implements its special education program.

Free Appropriate Public Education (FAPE)

The district will apply annually for Federal Part B and state special education funding to assist in the provision of special education and any necessary related services. This funding is in addition to students’ basic education funding and state special education funding.

The superintendent, in consultation with building staff, will annually determine whether to use Early Intervening Services (EIS) funding for students who have not been identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment.

The district will annually report to the Office of Superintendent of Public Instruction (OSPI) the number of students receiving EIS; and the number of students who received EIS and subsequently received special education and related services under Part B of IDEA during the preceding two-year period.

Services to eligible special education students age three to 21 will be provided without charge to the student. This does not include incidental fees that are normally charged to all students. Special education services will include preschool, elementary and secondary education and are provided in conformance with the student’s Individual Education Program (IEP).

The district provides a continuum of services for students, regardless of the funding source. Where the district is unable to provide all or part of the special education or necessary related services, it will make arrangements through contracts with other public or non-public sources, inter-district agreements or interagency coordination.

Early Intervention

The district participates in the provision of early intervention services to eligible children with a disability, birth to three, consistent with the state lead educational agency’s policies and procedures and the regulations implementing Part C of the IDEA.

Students Covered by Public or Private Insurance

The district may use Medicaid or other public insurance benefits programs in which a student participates to provide or pay for services required to provide a FAPE, as permitted by the public insurance program. However, the district will not:

A. Require parents to sign up for or enroll in public benefits or insurance programs in order for their student to receive FAPE under Part B of the IDEA;

B. Require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim;

C. Use a student’s benefits under a public insurance program if that use would:
   1. Decrease available lifetime coverage or any other insured benefit;
2. Result in the family paying for services required after school hours that would otherwise be covered by the public insurance program;
3. Increase premiums or result in discontinuation of insurance; or
4. Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.

The district may access a parent’s public or private insurance proceeds to provide FAPE to an eligible student only if the parent provides informed consent to the district. Whenever the district proposes to access the parent’s public benefits or private insurance proceeds, the district will:
   A. Obtain parent consent in accordance with Chapter 392-172A WAC each time the district uses benefits for a new procedure; and
   B. Inform the parents that their refusal to permit the district to access their insurance does not relieve the district of its responsibility to ensure that all required services are provided at no cost to the parents.

To avoid financial cost to parents who would otherwise consent to use private insurance, or public benefits if the parent would incur a cost such as a deductible or co-pay, the district may use its Part B funds to pay the cost the parents would incur.

Parent Participation in Meetings
The district encourages parental involvement and sharing of information between district and parents to support the provision of appropriate services to its students. As used in these procedures, the term “parent” includes biological and adoptive parents, legal guardians, persons acting in the place of a parent, such as relatives and stepparents, foster parents, persons appointed as surrogate parents and adult students.

Parents (and as appropriate, students) will be provided the opportunity to participate in any meetings with respect to the identification, evaluation, educational placement and provision of a FAPE.

When a meeting is scheduled parents will be:
   A. Notified of the meeting early enough that they will have an opportunity to attend; and
   B. Notified of the purpose, time, and location of the meeting and who will be in attendance.

When the meeting is to address the IEP or placement, the parent will be:
   A. Notified that the district or the parent may invite others who have knowledge or special expertise of the student; and
   B. Meetings will be scheduled at a mutually agreeable time and place.

The district will take whatever action is necessary to ensure that the parent understands the proceedings of the IEP team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

The staff person responsible for inviting the parents to meetings will keep documentation of the information provided and the methods used to notify the parents of the meeting. The district may proceed with the IEP or placement meeting if the district is not able to convince the parent to attend. In this case, the district will document its attempts to arrange the meeting. This documentation will include records of telephone calls and the results, copies of correspondence sent to the parent and/or other means used to contact the parent.

This documentation will be kept in the student’s special education file.
Case managers (special education teachers, speech/language pathologists or school psychologists) are responsible for parent notifications and coordinating meetings with parents/guardians/adult students.

If the parent cannot attend the IEP or placement meeting but wishes to participate, the district will arrange for other means to participate. This can include individual or conference phone calls, video or other means of conferencing.

A meeting does not include informal or unscheduled conversations involving district personnel; conversations on issues such as teaching methodology, lesson plans, coordination of service provisions; or preparatory activities that district personnel engage in to develop a proposal or a response to a parent proposal to be discussed at a later meeting.

The district will ensure parents have access to their child’s classroom and school sponsored activities for purposes of observing class procedure, teaching material and class conduct. Such access must not disrupt the classroom procedure or learning activities.

**Identification and Referral (Child Find)**

**A. Identification**

The purpose of child find is to locate, evaluate and identify children with suspected disabilities in need of special education services including those who are not currently receiving special education and related services and who may be eligible for those services. Activities are to reach:

1. Children residing in the school district boundaries including preschool-aged children;
2. Children attending private elementary and secondary schools located within the district boundaries. Elementary or secondary schools includes public schools, nonprofit institutional day or residential schools and private schools;
3. Highly mobile children (such as homeless, foster care and migrant children);
4. Children who have a disability and may need special education services even though they are advancing from grade to grade; and
5. Children at home or home schooled.

The district will consult with parents and representatives of private school students to ensure its child find activities are comparable in private schools located within district boundaries. These consultations will occur at the private school annually.

The district reaches students who may be eligible for special education services through:

1. Information regarding child find on the district’s Web site;
2. Notification to private schools located in the district’s boundaries;
3. District informational mailings;
4. Posting notices regarding screening and referral in school buildings and public locations including DSHS community service offices, Employment Security offices, grocery stores, Laundromats, day cares, community preschool sites and physicians’ offices;
5. Notifying and coordinating with the designated Part C lead agencies;
6. Early childhood screenings conducted by the district;
7. Coordination with other public and private agencies and practitioners;
8. Written information provided to district staff on referral procedures;
9. Training teachers and administrators on referral/evaluation/identification procedures; and
10. Review of student behavior, discipline and absentee information and information gathered from district-wide assessment activities.

When district staff have concerns that a student may have a suspected disability which could result in eligibility for special education services, they will notify the building principal. The principal will forward concern to the building special education team.

The district’s special education department conducts early childhood screenings for ages three to five. These screenings occur at Hathaway Elementary School throughout the school year. The district will ensure that childfind activities for infants and toddlers (age birth up to three years old) are consistent with the requirements of the lead agency for Part C of IDEA 2004. Screenings for Part C occur throughout the year. When parents or others inquire about screenings, the caller will be referred to the special services secretary.

The screening process involves the following:

1. Parents are asked to provide information to assist in assessing their child; and
2. Children are screened to assess cognitive, communication, physical, social-emotional and adaptive development.

Parents will be notified at the screening of the results and the parents will also be provided written notice of the results within ten days of the screening. If the screening supports evaluation, obtain written consent for evaluation at the exit interview if possible, or include consent forms with the written notice notifying the parents of the results. If the screening results indicate that the child does not need an evaluation, written notice will be sent to the parents within 10 days of the screening explaining the basis for the district’s decision not to evaluate. Evaluation occurs in accordance with evaluation procedures.

B. Referral

A student whether or not enrolled in school, may be referred for a special education evaluation by parents, district staff or other persons knowledgeable about the student. Each building principal will designate a person responsible for ensuring that district staff understands the referral process. Referrals are required to be in writing unless the person referring is unable to write. A person who makes a referral orally should be asked to either make the referral in writing or go to the main office of the building for assistance in making the referral.

When a referral is made, the district must act within a 25 school-day timeline to make a decision about whether or not the student will receive an evaluation for eligibility for special education services.

All certificated employees will document referrals immediately upon a referral being made to or by them. All other staff receiving a referral from another person will notify the building administrator. The special education case manager (a) records the referral; (b) provides written notice of the referral to the parent; and (c) advises the special education building team to collect and review district data and information provided by the parent to determine whether evaluation is warranted.

During the referral period, the special education building team will collect and review existing information from all sources, including parents. Examples may include:

1. Child’s history, including developmental milestones;
2. Report cards and progress reports;
3. Individual teacher’s or other provider information regarding the child including observations;
4. Assessment data;
5. Medical information, if provided; and
6. Other information that may be relevant to assist in determining whether the child should be evaluated.

If the review of data occurs at a meeting, the parent will be invited. The special education case manager provides written notice to the parents of the decision regarding evaluation, whether or not the parents attend the meeting.

Recommendations regarding evaluation are forwarded to the special education building team.

After the special education building team reviews the request for evaluation and supporting data and does not suspect that the child has a disability, the district may deny the request. In this case written notice, including the reason for the denial and the information used as the basis for the denial, must be given to the parent.

If the determination is that the child should be evaluated, the reviewers will include information about the recommended areas of evaluation, including the need for further medical evaluation of the student. This information will assist the district in providing parents prior written notice and will assist the district in selecting appropriate evaluation group members. The case manager is responsible for notifying parents of the results using prior written notice. When the determination is that the child will be evaluated, parent consent for evaluation and consent for release of appropriate records will be sent with the notice.

The evaluation case manager will seek parental consent to conduct the evaluation. The school district is not required to obtain consent from the biological parent if:

1. The student is a ward of the state and does not reside with a parent;
2. The parent cannot be located, or their rights have been terminated; or
3. Consent for an evaluation is given by an individual appointed to represent the student.

When the parent provides consent, the district will select an evaluation group. The evaluation group is to complete the evaluation with 35 school days after parent consent, unless:

1. The parents and district agree in writing to extending the timeline;
2. The parent fails or refuses to make the student available for the evaluation; or
3. The student enrolls in another school district after the evaluation is begun but before completion and the parent and new district have an agreement for completion of the evaluation.

If a parent does not provide consent, notify the Special Services Director. District staff will make a determination as to whether it wishes to use mediation to seek agreement to evaluate or file a due process hearing to override the parent’s refusal to consent. The district may not override a parent’s refusal to consent for an evaluation if the student is homeschooled or is unilaterally placed in a private school.

Eligibility – Part C students
Students turning three, who were previously determined eligible for early intervention services under Part C of IDEA, must be evaluated for initial eligibility for special education services. The
Evaluation must be completed in enough time to develop an initial IEP by the date of the student’s third birthday.

**Evaluation Requirements**

The purpose of the evaluation is to collect information about a student’s functional, developmental and academic skills and achievements from a variety of sources, to determine whether a student qualifies for special education and related services, and to develop an IEP. This includes information provided by the parent. All information gathered in this process is reviewed by the IEP team or other group of qualified professionals.

The evaluation must be an individual assessment designed to determine:

A. Whether the student is eligible for special education and any necessary related services; and,

B. The nature and extent of special education and related services needed by the student, including information related to enabling the child to be involved in and progress in the general education curriculum.

The building special education team will select the members of the evaluation group. Members selected must be knowledgeable about the student and the areas of suspected disabilities. Qualifications of a group member include having the appropriate professional license or certification and may include outside practitioners when necessary. When assessing for specific learning disabilities, the parent and a group of qualified professionals must be part of the group. If the student requires a medical evaluation in order to determine eligibility, the district will coordinate with the parents to arrange for the evaluation at district expense or through the use of public or private insurance if the parent consents to the use of the insurance.

There are many legal requirements for conducting evaluations. Evaluation procedures or materials must be free of racial, cultural or sexual/gender bias and they must be used for the purpose for which they are valid and reliable. Tests must be appropriate for the student’s age and stage of developmental level. Tests should be administered in the native language of the student or conducted in the mode of communication most familiar to the student. If it appears to be clearly not feasible to conduct a procedure or test in the mode of communication most frequently used by the student, the IEP team will contact the special education administrator to develop an individualized strategy for valid evaluation of the student’s skills. The inclusion of parents in this collaboration is desirable and strongly encouraged.

Specific areas to be included in the evaluation are determined by the special education building team and other qualified professionals, as appropriate, as part of a review of existing data concerning the student. The evaluation does not rely on one source or procedure as the sole criterion for determination and should include:

1. Review of existing data, including corresponding response to intervention (RTI) documentation;
2. Relevant functional and developmental information;
3. Information from parents;
4. Information from other providers;
5. Information related to enabling access to and progress within the general education curriculum and assisting in determining whether there is a disability and the content of the IEP;
6. Current classroom-based evaluations, using criterion-referenced and curriculum-based methods, anecdotal records and observations;
7. Teacher and related service providers’ observations; and
8. Testing and other evaluation materials, which may include medical or other evaluations when necessary.

All current evaluation data as well as data previously reviewed by the team must be considered. Professional members of the evaluation team need to be familiar with qualifying disability definitions and criteria in federal and state rules.

This review of existing data may be in the form of a meeting of IEP team members, or may be conducted without a meeting. It could include data provided by parents, data gathered in the general education classroom or from state and district level assessments. The data may provide information about the student’s physical condition, social or cultural background and adaptive behavior.

When additional assessments are necessary, the group members have the responsibility of selecting, administering, interpreting and making judgments about evaluation methods and results, and ensuring that the tests and assessments are administered by qualified personnel in accordance with the instructions of the test producer. The gathering of additional data in combination with existing data must be sufficiently comprehensive to address all areas of the suspected disability and any special education needs, whether linked to the disability category or not. If the IEP Team determines that no additional data is needed, the IEP team will notify the student’s parent of that determination and the reasons for it, and inform them of their right to request additional assessments. The district will follow the evaluation procedures outlined in WAC 392-172A.

Parents and district staff are encouraged to work towards consensus, but the school district has the ultimate responsibility to determine whether the student has a disability or not. The school district will provide the parent with prior written notice of the eligibility decision, as well as a copy of the evaluation report. If the parent disagrees with the eligibility decision, they need to be informed of their dispute resolution options described in the procedural safeguards.

**Specific Learning Disability (SLD)**

The district continues to use the severe discrepancy approach for identifying students with a SLD.

**Evaluation of Transfer Students**

If a student transfers into the school district while an evaluation process is pending from the other district, the school psychologist or speech language pathologist is responsible for determining the status of evaluations conducted to date and making a determination as to whether the evaluation can be completed within the 35 school day timeline from the date the parent provided consent. If the determination is that additional time will be needed, the parents will be provided prior written notice of the timeline needed to complete the evaluation and the reasons for the additional time needed.

**A. Eligibility**

The evaluation group and the parent will determine whether or not the student is a special education student.

1. A student is not eligible if the determinant factor is lack of appropriate instruction in reading or math, based upon the state’s grade level expectations or limited English proficiency; and
2. Eligibility may be determined by documented professional judgment when:
   a. Properly validated tests are unavailable; or
   b. Corroborating evidence indicates that results were influenced due to measuring a disability.
The parent will be provided with a copy of the evaluation report and the documentation of determination of eligibility.

Parents will also be provided with prior written notice of the eligibility decision within ten school days of the decision. The special education evaluation case manager is responsible for sending the notice.

Students remain eligible for special education services until one of four events occur:
1. The student is determined through a reevaluation to no longer be eligible for special education;
2. The student has met the district’s high school graduation requirements;
3. The student has reached age 21. A special education student whose 21st birthday occurs after August 31, will continue to be eligible for special education and any necessary related services for the remainder of the school year; or
4. The student no longer receives special education services based upon a parent’s written revocation of services.

When a special education student is expected to graduate prior to age 21, or when graduation is part of the transition plan, the IEP team will document a student’s progress towards achieving course credits towards graduation on the transition portion of the IEP. The district will provide prior written notice to parents and adult students that the student is expected to graduate and will no longer be eligible for special education services. The district will also provide the parents and student with a summary of academic achievement and functional performance and recommendations to assist the student with postsecondary goals.

B. Evaluation Report
Each person conducting an assessment of the student will specify the procedures and instruments used and their results and the significance of findings related to the student’s instructional program, including a specification of the factors interfering with performance and the special education and related services needed.

The evaluation group will determine who is most appropriate to develop the evaluation report reflecting the evaluation information. This will be completed before the conclusion of the evaluation period and will, at a minimum:
1. Identify the disability which requires special education and related services, if a disability exists;
2. Discuss assessments and review data supporting conclusions regarding eligibility;
3. Include the additional information required for the specific learning disability eligibility category;
4. Describe how the disability or disabilities affect the student’s involvement and progress in the general curriculum;
5. Make recommendations to the IEP team with respect to special education and related services needed, materials or equipment, instructional and curricular practices, student management strategies, the need for extended school year services beyond 180 school days and location of services;
6. Include other information, as determined through the evaluation process and parent input;
7. Include the additional information required for the specific learning disability eligibility category;
8. Provide any necessary professional judgments and the facts or reasons in support of the judgments; and
9. Be signed and dated by the evaluation group members certifying their agreement. Any group member who disagrees with the conclusions will prepare a statement presenting the conclusion.

The case manager is responsible for notifying parents of the date, time and location of evaluation meetings by following the procedures in the parent participation section for inviting parents to meetings.

C. Reevaluations

A reevaluation of a student receiving special education or related services is conducted if academic achievement and functional performance has improved to warrant a reevaluation, if the IEP team suspects that the student may no longer be a student with a disability or if the child’s parent or teacher requests a reevaluation. A reevaluation does not occur more than once per year, unless parent and school agree otherwise. A reevaluation must occur at least once every three years, unless parent and school staff agree that a reevaluation is unnecessary. An agreement that an evaluation is unnecessary will be confirmed in writing to the parent. The case manager will schedule a review of this determination and notify the special education department.

Students who turn six who met the eligibility requirements for the disability category of “Developmentally Delayed” (DD) under the criteria for ages three to six years need not be reevaluated at age six under the criteria for six to nine years until three years after their initial evaluation was completed.

Students who were previously eligible under the category “Developmentally Delayed” must be reevaluated before age nine to determine eligibility within another category.

As part of any reevaluation, the IEP team members and other professionals the district determines appropriate will review existing data that includes:

1. Evaluations and information provided by the parents;
2. Current classroom-based assessment, local or state assessments and classroom based observations; and
3. Observations by other teachers and related services providers data.

Based on this review the team will determine whether any additional data is necessary to determine:

1. Whether the student continues to be eligible for special education and any necessary related services;
2. The present levels of performance and educational needs; and
3. Whether any additions or modifications to the student’s program are needed.

This review can occur with or without a meeting or through individual review. If the IEP team members and any other persons reviewing the data determine that no further testing is necessary, the district will notify the parents of this determination, using written prior notice and will inform parents that they have the right to request assessments if they disagree with the determination that additional testing is not necessary. Parent consent is not required if the reevaluation does not require additional testing:

1. If additional testing is needed, the district will request written parental consent for reevaluation;
2. If the parents do not return the signed consent form, the district will send another letter explaining the need for reevaluation and parent consent and will enclose another consent form and a copy of the prior written notice;
3. If the parents do not respond to the request for consent, the district can proceed with the reevaluation; and
4. If the parents refuse to consent to the reevaluation, the evaluation group will notify the Special Services Director so that the district can determine whether it will seek mediation in order to obtain consent or request a due process hearing to ask an administrative judge to override the parents’ refusal to consent.

After the reevaluation is completed, the district will both invite parents to the eligibility meeting and will provide prior written notice of the results of reevaluation to parents in their primary language, indicating one or more of the following:
1. Whether the student continues to be eligible and in need of special education;
2. Present levels of performance and educational needs of the student; and
3. Whether any additions or modifications to the special education and related services are needed to enable the student to meet IEP annual goals and to participate, as appropriate, in the general curriculum.

This notice will occur within ten school days of the eligibility decision. The special education department is responsible for sending the notice.

D. Reevaluation and Graduation

No reevaluation is required when special education eligibility terminates due to graduation from high school with a regular diploma or due to reaching the end of the school year during which the student turned 21. Instead, the district will provide prior written notice and the IEP team will provide the student with a summary of academic achievement and functional performance including recommendations on how to assist the student in meeting post-secondary goals.

Independent Educational Evaluations (IEE)

Parents of students eligible for special education, students referred for special education and determined to not be eligible or students determined not to need an evaluation have a right to obtain an IEE at public expense, each time the district conducts an evaluation of the student.

When parents request an IEE the district must decide within 15 calendar days whether or not it agrees to provide it. Any parent request for an independent evaluation should be immediately referred to the Special Services Director. The Special Services Director will review the request and determine whether or not the request is warranted. If the district agrees to provide an IEE, arrangements will be made promptly. If the district denies the request to pay for an IEE, it must file for a due process hearing within 15 calendar days of the parent’s request. The district may request mediation as an option after filing the due process hearing. If the parents withdraw their request for an IEE the due process hearing can be dismissed.

When a parent requests an IEE, the district must provide parents a list of district criteria and evaluators. If the school district initiates a hearing and a decision is made that the district’s evaluation is appropriate, the parent still has the right to an IEE but not a public expense. A parent is only entitled to one IEE at public expense each time the district conducts an evaluation with which the parent disagrees.

If the parent obtains an IEE at either public or private expense, any results of the IEE must be considered by the district if providing FAPE. The IEE may also be presented as evidence at a hearing regarding the student.

The following criteria are established for the selection of an individual to conduct an IEE at public expense. These criteria are established in order to identify the knowledge, experience and
qualifications of individuals selected to conduct the evaluations. Any individual selected to conduct either a district evaluation or an IEE must be:

1. Licensed, credentialed or otherwise qualified within the state of Washington or state of residence/practice to perform an evaluation in the specific professional discipline for which an independent evaluation is sought;
2. Knowledgeable and experienced in evaluating children with similar disabilities;
3. Geographically located within the state of Washington (districts may wish to specifically expand the criteria to include practitioners in other states/British Columbia); and
4. Available to the district at a maximum fee which does not exceed by more than 25% the prevailing average for similar evaluations within the state of Washington.

Exceptions to the criteria will be granted only when it can be shown that the unique circumstances of the child or the disability:

1. Make it impossible to identify anyone within the state of Washington who holds the appropriate credentials or experience necessary to conduct the evaluation; or
2. Require a specialized evaluator whose fee exceeds the prevailing average by more than 25%; or
3. Include factors which would warrant an exception in order to obtain an appropriate evaluation.

**Individualized Education Programs (IEP)**

**A. Transitions of Birth-to-Three Students to Preschool**

The district will participate in transition planning conferences, arranged by the designated Part C lead agency, for each student who may be eligible for preschool services. Transition plans will be designed to promote uninterrupted provision of appropriate services to the child.

1. The Early Childhood special education teacher is responsible for coordinating with the Regional Family Resource coordinator for timely execution of transition planning conferences, that are arranged at least 90 days before the student’s third birthday;
2. Participants will review the child’s program options for the period from the child’s third birthday through the remainder of the school year; and
3. If a student is determined eligible for special education services, an IEP will be developed and implemented by the student’s third birthday. If the third birthday is not during the school year and when appropriate, the IEP may set a start date of the beginning of the school year.

**B. IEP Development**

The IEP is the written statement reflecting the implementation of instructional programs and other services for special education students based on the evaluation and student needs.

An IEP must be in effect before initiation of special education services. The IEP must be developed within 30 calendar days after the student’s initial determination of eligibility for special services. IEPs must be updated annually, or revised more frequently if needed to adjust the program and services.

Parent consent is required before the initial provision of special education services. If a parent refuses to consent to the provision of special education services, the district may not use mediation or due process to override a parent’s refusal. When a parent refuses to provide consent, the case manager will notify that parent that the district does not have a FAPE obligation to the student. The notification will be documented in the student’s file.
The district will maintain a copy of the current IEP which is accessible to all staff members responsible for providing education, other services or implementation of the IEP. All staff members will be informed of their responsibilities for its implementation. This includes not only teachers and other service providers, but also bus drivers, playground and lunchroom supervisors, nursing staff and others who may be responsible for the proper implementation. The building principal is responsible for ensuring that staff members are knowledgeable about their responsibilities.

IEPs will be implemented without undue delay following IEP meetings, regardless of the payment source for special education and or related services.

Parents are members of the IEP team and will have the opportunity to fully participate. The district will make sure that the parents understand the proceedings, including arranging for an interpreter for parents who are deaf or whose native language is other than English. The district will also ensure that meeting locations are accessible. The special education department is responsible for coordinating interpreters and making arrangements for the meeting location.

The IEP team includes:

1. The parents of the student;
2. Not less than one general education teacher (or preschool teacher) of the student if the student is, or will be, participating in the general education environment;
3. Not less than one special education teacher, or if appropriate, not less than one special education provider of the student;
4. A representative of the district, who is qualified to provide or supervise the provision of special education and related services, is knowledgeable about general education curriculum, and is knowledgeable about the availability of district resources;
5. An individual who can interpret the instructional implications of the evaluation results;
6. Any other individuals who have knowledge or special expertise about the student. These individuals may be invited by both the district and the parents, at the discretion of the person making the invitation;
7. The student, when appropriate, or when required;
8. Students must be invited when the purpose of the meeting includes discussion of transition needs or services;
9. If another agency is or may be responsible for payment or provision of transition services, an agency representative will be invited, with the parent’s consent. If the agency representative cannot attend the meeting, district personnel will keep the representative informed of the meeting and obtain agency information that will assist in the service provision; and
10. Parents will be notified of the participation of the Part C service coordinator or other designated representatives of the Part C system as specified by the state lead educational agency for Part C at the initial IEP meeting for a child previously served under Part C of IDEA.

The parents and district must agree in writing before any of the above team members are excused from all or part of a meeting. If a team member’s area of the IEP is being discussed or modified, then the parent and district must consent to their excusal; and that specific team member must provide advance written input for their part of the IEP prior
to the meeting. The IEP case manager is responsible for obtaining a parent’s prior written consent to excuse a team member.

Existing team members may fill more than one of these roles if they meet the criteria for the role.

Sometimes parents do not attend IEP meetings. There will also be times the parents do not agree with the IEP as proposed, and despite attempts to reach agreement on IEP content, the team does not reach agreement. If a parent attends the IEP meeting and agreement is not reached on the IEP, the team will determine whether another IEP meeting should be scheduled as soon as mutually possible, or whether there is enough information to complete the IEP. When the decision is made that the IEP will be implemented the district must send prior written notice of the decisions reached to the parent, including the date the IEP will be implemented.

When the parents do not attend the IEP meeting, despite the district’s efforts to ensure participation, or if the team does not reach agreement, it is the district’s obligation to offer an appropriate educational program:

1. Have IEP members present sign the IEP (or document participation if any member is unwilling to sign);
2. Send a copy to the parent, and provide the parent prior written notice that the district intends to implement the IEP; and
3. Document the actual and attempted contacts on the district’s web-based program and forward the IEP and all related documentation to the special education department.

When making changes to an IEP after the annual IEP meeting for a school year, the parent and the district may agree not to convene an IEP meeting for the purpose of making changes. The parent and the district must complete a written document indicating the changes and inform IEP team members and appropriate individuals of the changes. IEP case managers are responsible for amendments. If the parent requests that the district revise the IEP to include the amendments, the IEP case manager will revise the IEP.

C. IEP Preparation and Content:

IEP teams will consider the recommendations in the most recent evaluation to develop the IEP. In developing the IEP, the team should consider:

1. The strengths of the student including the academic, developmental and functional needs of the student and the concerns of the parents for enhancing the education of their child;
2. Whether a behavior plan, including positive supports and possible aversive interventions should be considered;
3. Whether the student with limited English proficiency has language needs;
4. Whether Braille instruction is appropriate for a student who is blind or visually impaired;
5. Whether a student has other language and communication needs; and
6. Whether assistive technology devices or services are needed.

IEP content includes:

1. The student’s present levels of academic and functional performance with a description of how the disability(ies) affect the student’s involvement and progress in the general curriculum or preschool activities;
2. Measurable academic and functional annual goals for the student (including benchmarks or short term objectives if the student is participating in alternate assessments) that will meet the student’s needs resulting from the disability(ies) to enable involvement and progress in the general curriculum or in preschool activities, and will meet the student’s other educational needs;

3. A statement of special education services, any necessary related services, and supplementary aids and services based on peer-reviewed research to the extent practicable to be provided to the student and program modifications or supports for personnel so that the student may advance towards annual goals, progress in the general curriculum and be educated and participate with other special education students and non-disabled students and participate in extracurricular and other nonacademic activities;

4. A statement of the extent, if any, that the student will not participate with non-disabled students in general classroom, extra-curricular and non-academic activities;

5. A statement of any individual appropriate accommodations in the administration of state or district-wide assessments of student achievement that are needed to measure academic achievement and functional performance of the child on state assessments. If the team determines that the student will not participate in a particular assessment, the IEP will address why the student cannot participate in the regular assessment(s) and why the particular alternative assessment is appropriate for the child;

6. The date for the beginning of services and the anticipated frequency, location and duration of services and modifications;

7. A statement of how the student’s progress towards goals will be measured, how the student’s parents will be regularly informed of their child’s progress towards the annual goals and whether the progress is sufficient to enable the student to achieve the goal by the end of the year. Measurement of the student’s progress will be based on data. Information to the parents can be provided through the use of progress reports or report cards or other agreed means, but the information must be provided at least as often as information is provided to students without disabilities;

8. The projected beginning date for the special education and related services;

9. With an IEP that is in effect when the child turns 16, or sooner if the IEP team determines it is appropriate, a statement of needed transition services and any interagency responsibilities or needed linkages. Transition services description must include appropriate measurable postsecondary goals based on age appropriate transition and assessments related to training, education, employment, independent living skills where appropriate; and transition services (including course of study) needed to assist the child in reaching those goals;

10. Aversive interventions, if required, must be provided by trained staff and only considered after the determination has been made that positive interventions alone are not effective. Any questions about the need for or use of aversive interventions should be referred to the special education director. When aversive interventions are considered the IEP team will include a certificated employee who understands the appropriate use of interventions and concurs with the need and will include a person who works directly with the student. The district will
establish a process for evaluating the effects of the use of aversive interventions, at least every three months during the school year;

11. A statement regarding transfer of rights at the age of majority. The case manager will provide prior written notice to the student one year prior to student turning 18 years of age; and

12. Extended school year (ESY) services. The consideration for ESY services is a team decision, based on information provided in the evaluation report and based on the individual needs of a student. ESY services are not limited by categories of disability, or limited by type amount or duration of the services. If the need for ESY services is not addressed in the IEP and ESY services may be appropriate for the student, the IEP team will meet by May of each year to address the need for ESY. Factors for the team to consider when determining the need for ESY may include, but are not limited to: 1) Evidence of regression or recoupment time based on documented evidence; or 2) A documented determination based on the professional judgment of the IEP team including consideration of the nature and severity of the student’s disability, the rate of progress and emerging skills.

Transfer Students
Students who transfer from one district to another within the state continue to be eligible for special education and any necessary related services. When a special education student transfers into the district, the building principal or special services records clerk will notify the special education department. The special education department and principal in consultation with parents will review the student’s IEP to ensure the district provides services comparable to those in the previous IEP until the district adopts the previous IEP or develops, adopts and implements a new IEP.

When a student who was identified as eligible for special education transfers from out of state into the district, the building principal or special services records clerk will notify the special education department as soon as possible. The case manager will review the evaluation, eligibility documentation and IEP to determine whether or not the student meets state eligibility criteria. If the student meets the state eligibility criteria, follow the procedures described in the previous paragraph. If the student needs to be evaluated to determine eligibility in this state, the case manager will notify the parents, obtain consent and evaluate the student for eligibility within 35 school days. The district, in consultation with the parents, will continue to provide special education services comparable to the services on the student’s IEP, pending the results of the evaluation.

The district must take reasonable steps to promptly obtain records, including IEP supporting documents and any other records related to special education or related services from the previous school.

A. Placement
No student may receive special education and related services without being determined eligible for services, and thus the evaluation process and IEP development precedes a special education placement. When a student has been evaluated and the evaluation team and parent have determined student eligibility and the need for special education and related services, programming decisions must occur. These decisions are made on the basis of information generated through the evaluation and IEP processes. The actual program is considered within the context of least restrictive environment (LRE) and the continuum of placement alternatives (reviewed below). When determining initial eligibility for special education, including determination of the appropriate placement, the
parent or adult student must provide written consent for services before the student receives special education services. If the parents do not consent to the provision of special education and related services, the district will not provide special education services to the student. The district will notify the parents that the student is eligible for services and that the district is willing to provide the services when the parent provides written consent. The notification will also inform parents that the district has no FAPE obligation to the student when parents refuse to provide consent.

When program decisions are addressed by the IEP team, proper consideration must be given to the LRE. Within the educational setting, the student should be placed, whenever possible:

1. In the school the disabled student would normally attend; and
2. With non-disabled students in the general educational setting to the maximum extent possible.

Special classes, separate schools or removal of students with disabilities from the general education environment occurs only when the nature or severity of the disability is such that education in the general education classroom with use of supplementary aids and services cannot be satisfactorily achieved.

If the IEP team believes that the student will not be successful within the general education classroom, the team will consider:

1. The educational benefits of full-time placement in a regular classroom;
2. The non-academic benefits of such a placement;
3. The effect the student will have on the teacher and other students in the regular classroom; and
4. The costs of placing the student in the regular classroom.

The degree to which the student is to be integrated into the general classroom setting is dependent upon the identified needs of the student. This placement is to occur unless the nature of the needs are so severe that this cannot be satisfactorily achieved, even with supplementary aids and services. If the placement is in another building, the appropriate educational placement will be as close to the student's home as reasonably possible.

Within the nonacademic setting, students will be provided nonacademic and extracurricular activities with non-disabled students. These include counseling services, athletics, transportation, health services, recreational activities, clubs, etc. Limits on nonparticipation or conditions of participation must be designated in the IEP.

The district will also make opportunities available for students eligible for special education to participate with non-disabled students in the district’s art, music, industrial arts, computer, consumer classes and home economics classes.

Within the district, a continuum of alternative placement options exists spanning within a class, resource room, self-contained, home-bound and out-of-district provisions. These options are intended to address the individual needs of students and they are considered according to the following process:

The placement of each student with a disability will be determined annually, or sooner if appropriate, by the IEP team.

The appropriateness of placement options will be based upon various decisions including:

1. Data-based judgments in IEP development;
2. Judgments (data-based) in determining LRE;
3. The reasonable probability of the placement option(s) assisting the student to attain annual goals and objectives and the quality of services needed; and
4. The consideration of potentially harmful effects upon the student or on the quality of services needed.

Placement options along the continuum must include alternative placement options identified in the definition of special education and make provisions for supplementary services such as resource room or itinerant instruction to be provided in concert with the general education placement.

B. Students Unilaterally Enrolled in Private Nonprofit Schools by Parents

On November 15th of each year, the district will conduct an annual count of the number of private elementary and secondary school students eligible for special education who are unilaterally enrolled by their parents in a private school located within district boundaries and who do not wish to enroll in a public school to receive special education and related services. The district Special Services Director will have timely and meaningful consultation with appropriate representatives and parents of private school students and make determinations about who will receive services and what services will be provided. The purpose of the child count is to determine the proportionate amount that the district must spend on providing special education and related services, including transportation, to private elementary or secondary school students in the next fiscal year.

The district is required to spend a proportionate amount of federal special education Part B and Section 619 funds to provide special education and related services to private school students. In order to determine which students will receive services, what services will be provided, how and where the services will be provided, and how services provided will be evaluated, the district will consult with appropriate representatives and parents of private school students. The district will make the final decision with respect to services to be provided to eligible private school students. The special education office will notify each approved private school or preschool operating in the district seeking recommendations of persons to serve as representatives of special education private school students in consultations with the district. An initial meeting will be called by the district to establish a work plan and schedule with the private school student representatives to discuss how to identify students, which students will receive services, what services will be provided, how and where services will be provided, and how services will be evaluated.

The Special Services Director is responsible for private school involvement and service plan development. A private school student has no individual entitlement to any service or amount of service (s)he would have received if enrolled in a public school to receive FAPE. However, for each private school student receiving special education or related services, the district will initiate and conduct meetings to develop, review and revise a services plan describing the specific special education and related services that the district will provide. The services plan must: (1) meet IEP content requirements with respect to the services to be provided; and (2) be developed, reviewed, implemented and revised annually consistent with the requirements for IEP review. The district will make every effort to include a representative from the private school at each meeting. If the private school representative is not able to attend, the district will use other methods, including individual or conference telephone calls, to assure the representative’s participation.

Private school students may receive a different amount of services than special education students in public schools. However, the services provided to special education private
school students will be provided by personnel meeting the same standards as personnel providing the services in the district.

Services to students in private schools including private sectarian schools may be provided on-site. District personnel may be made available to private schools only to the extent necessary to provide the services required, if those services are not normally provided by the private school. Services will not include payment of private school teachers’ or other employees’ salaries, except for services performed outside regular private school hours and under public supervision and control.

Equipment and/or supplies may be placed on private school premises for the period of time necessary for the services plan program, but the district will retain and exercise title and administrative control of said equipment/supplies. The district will keep records and make an accounting assuring that said equipment/supplies is/are used solely for the services plan program. Said equipment/supplies will be removed if necessary to avoid its/their use for other purposes or if no longer needed for the services plan program. No district funds will be used for repairs, minor remodeling or construction of private school facilities.

The district will provide services to students in private schools in a manner that: (1) maintains physical and administrative separation between the private and public school programs; and (2) does not benefit the private school at public expense.

**Procedural Safeguards**

**Consent**

The district will obtain informed, written parental consent before:

A. Conducting an initial evaluation;
B. Providing initial special education and related services to a student; and
C. Conducting a reevaluation if the reevaluation includes administration of additional assessments.

Parental consent is not required to review existing data as part of an evaluation or reevaluation, or to administer a test or other evaluation that is administered to all students unless consent is required of all students’ parents.

Informed consent means that the parent or adult student:

1. Has been fully informed of all information that is relevant to the activity for which the district is asking consent, and that the information is provided in his or her native language or other mode of communication;
2. Understands and agrees in writing to the activity for which consent is sought and the consent describes the activity and lists any records which will be released and to whom; and
3. Understands that the granting of consent is voluntary and may be revoked at any time. If consent is revoked, the revocation does not negate an action that has occurred after the consent was given and before the consent was revoked.

The district may not use a parent’s refusal to consent to one service or activity to deny the parent or child any other service, benefit or activity of the district.

If the district is unable to obtain a parent’s consent, the district may use mediation procedures to obtain a parent’s consent or request a due process hearing asking the administrative law judge to override the parent’s refusal to consent to an evaluation or reevaluation. The district may not request a due process hearing to override a parent’s refusal to consent to initial special education
services. The district may not use mediation or due process procedures to override a parent’s refusal to consent to an evaluation or reevaluation if the student is homeschooled or enrolled in a private school.

**Revocation of Consent**

If a parent revokes consent after the district has provided special education and related services, the district will not amend the student’s education records to remove any references to the student’s receipt of special education and related services.

Upon receipt of the parent’s written notice of revocation, the district:

1. Will provide prior written notice before ceasing services;
2. Stop providing SE and related services after the effective date contained in the district’s prior written notice; and
3. Will not use mediation or the due process procedure to obtain agreement.

Discontinuation of special education and related services in response to the parent’s written revocation will not be in violation of FAPE and eliminates the district’s requirement to convene an IEP meeting or develop an IEP.

**A. Notice of Procedural Safeguards**

The school district will provide a copy of the procedural safeguards notice to the parents of eligible special education students and students referred for special education and adult students one time a year and:

1. Upon initial referral or parent request for evaluation;
2. Upon receipt of the parent’s first state complaint and first request for due process hearing in a school year;
3. Upon a disciplinary action that will result in a disciplinary change of placement; and
4. Upon request by the parent.

The procedural safeguard notice used by the district includes a full explanation of all the procedural safeguards relating to independent educational evaluation, prior written notice, parental consent, access to educational records, discipline procedures for students who are subject to placement in an interim alternative educational setting, requirements for unilateral placement by parents of children in private schools at public expense, state complaint procedures, mediation, the child’s placement during pendency of due process proceedings including requirements for disclosure of evidence, due process hearings, civil actions and attorney’s fees. Copies of the district’s special education procedural safeguards are available at the special services department located at District Office. Procedural safeguards are provided to parents of students eligible at least annually.

**B. Prior Written Notice**

Prior written notices are provided to parents when a district makes a decision relating to a student’s identification, evaluation, placement or provision of a FAPE. Prior written notices document the decisions made by the IEP teams and evaluation group.

The district will provide prior written notice to the parent of an eligible student or of a student referred for a special education evaluation whenever the district proposes or refuses to initiate or change the identification, evaluation, educational placement or provision of a FAPE to the student.

The prior written notice will include:
1. A statement that the parents of a special education student have procedural safeguard protections and if a copy of the procedural safeguards do not accompany the notice, a statement that describes how a copy of the statement of procedural safeguards may be obtained;
2. A description of the action proposed or refused by the district;
3. An explanation of why the district proposes or refuses to take the action and a description of other options that the district considered and the reasons why the options were rejected;
4. A description of any other factors which are relevant to the district’s proposal or refusal;
5. A description of each evaluation procedure, test, record or report the district used as a basis for the proposal or refusal; and
6. A description of any evaluation procedures the district proposes to conduct and sources for parents to contact to obtain assistance in understanding the procedural safeguards provision of this chapter.

Prior written notice and the notice of procedural safeguards must be provided in the native language of the parent or other mode of communication used by the parent unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district will take steps to ensure that the notice is translated orally or by other means to the parent. This may involve:
   1. Arranging for an interpreter if English is not the native language of the parent or if the parent has a hearing impairment; or
   2. Providing notice orally if the written language is not a native language.

The district will document in writing how this information was provided and that the parent understands the content of the notice. Case managers assigned to each student are responsible for sending prior written notice after evaluation, eligibility, IEP team and placement decisions.

C. Transfer of Educational Rights to an Adult Student

When a student eligible for special education reaches the age of 18, all educational rights under Part B of the IDEA, previously exercised by the parent, transfer to the student, unless the student is determined incapacitated in a guardianship proceeding or the district has appointed an educational representative for the student. When the student turns 18, the district will notify the parent and student that the educational rights have transferred to the student and will send any required notices to both the parent and the adult student. The special services records clerk is responsible to provide this notice.

At an IEP meeting occurring one year before the student turns 18, the district will inform the parents and the student that educational rights will transfer to the student and the district will inform the student about those educational rights. This information will be documented on the IEP.

Appointment of an Educational Representative

The district may determine that a student over the age of eighteen and not legally incapacitated is unable to provide informed consent or to make educational decisions and appoint an educational representative. This determination will only be made if two separate professionals state that they conducted an examination and interviewed the student, and conclude the student is incapable of providing informed consent. The district will inform the student of the decision and appoint either, the spouse, the student’s parents, another adult or a surrogate educational representative to
represent the student. The appointment of the educational representative will continue for one year.

The student or other adult may challenge the certification at any time. If a challenge occurs, the district will not rely on the education representative, until the representative is recertified.

**Confidentiality and Records Management**

The superintendent is responsible for maintaining the confidentiality of personally identifiable information pertaining to special education and all other students. The special services records clerk will maintain, for public inspection, a current list of the names and positions of district employees who have access to personally identifiable information of special education students. The district will provide parent and adult students, upon request, a list of the types and locations of educational records collected, maintained or used by the district.

The district will provide instruction annually to employees collecting or using personally identifiable information on the procedures to protect the confidentiality of personally identifiable information. The training will address the protections outlined in WAC 392-172A, state law and federal regulations implementing the Family Educational Rights and Privacy Act, FERPA, (34 CFR Part 99).

Upon request, the parent(s) of a special education student or adult student will be afforded an opportunity to inspect, review and challenge all educational records which will include, but not be limited to, the identification, evaluation, delivery of educational services and provision of FAPE to the student. The district will comply with the request promptly and before any meeting regarding an IEP or hearing relating to the identification, evaluation, educational placement of the student or provision of FAPE to the student, including disciplinary proceedings. In any case, the district will respond no more than 45-calendar days after the date the district received the request. If an educational record includes information on more than one student, the parents (and/or adult student) may only inspect and review information relating to their child. School personnel receiving requests for educational records will immediately forward the request to the special services department.

If parents believe that information in an education record is inaccurate or misleading or violates the privacy or rights of the student, they may request that the district amend the information. Policy and Procedure 3231, Student Records, describes the process and timelines for challenges and hearings regarding student records.

The district follows the guidelines for records retention outlined in the Secretary of State’s, *General Records Retention Schedule and Records Management Manual*. The district will inform parents or adult students when personally identifiable information collected, maintained or used is no longer needed to provide educational services to the student. The information will be destroyed at the request of the parent(s) or adult student, or will be provided to the parent or adult student upon their request. However, a permanent record of the student’s name, address and phone number, his or her grades, attendance, record, classes attended, grade level completed and year completed will be maintained without time limitation.

Records management is also governed by Policy and Procedure 4040, Public Access to District Records.

**A. Surrogate Parents**

A surrogate parent is a person appointed by the school district to act on behalf of a student to help ensure the rights of the student to a FAPE when a parent cannot be
identified, the whereabouts of the parent are unknown or the student is a ward of the state and does not have a foster parent.

The Special Services Director is responsible for determining the need for appointment of a surrogate parent.

Natural or adoptive parents, foster parents, persons acting in the place of a parent such as stepparents or relatives and persons with legal custody or guardianship are considered parents. Students who are homeless and not living with a parent may need a surrogate parent.

The following is guidance for the district to follow to assist in determining the status of the parent’s rights to make educational decisions:

In cases where the student is in out of home care the district must determine the legal custodial status of the child.

1. Parents who have voluntarily placed their child in state placement still retain legal custody of the child and retain the right to make educational decisions. In this situation the student is not a ward of the state;

2. Parents whose children are placed in group care, pending a determination of “dependency” may still retain rights to make educational decisions unless otherwise ordered by the court;

3. When a disposition order and order of dependency is issued, the state becomes the legal as well as physical custodian of the child. Parents may no longer have the right to make educational decisions during this stage of dependency; and

4. Parents whose parental rights are terminated no longer have the right to make educational decisions on behalf their child.

When a student is placed in foster care the foster parent may act as the parent. When a student is placed in group care, the district will work with the parents, case-worker(s), foster parents and others who have knowledge of the student’s legal status in order to determine the need for appointment of a surrogate.

When selecting a surrogate parent the district will select a person willing to participate in making decisions regarding the student’s educational program, including participation in the identification, evaluation, placement of and provisions of FAPE to the student.

If a student is referred for special education or a special education student transfers into the district who may require a surrogate parent, the district special education office will be notified of the potential need. The special education office will then select a trained individual who can adequately represent the student to ensure that all student rights are observed.

The person selected as a surrogate:

1. Must have no interest that conflicts with the interests of the student he or she represents;

2. Must have knowledge and skills that assure adequate representation of the student; and

3. May not be an employee of a school district and/or other agency which is involved in the education or care of the student. This includes OSPI, DSHS, district employees and group care providers.

The district will at a minimum, review with the surrogate parent procedural safeguards, parent involvement in the special education process, parent education publications and
special education regulations. The district will also cooperate with other districts, the ESD or OSPI in training surrogate parents and in establishing a list of persons willing and able to serve as surrogate parents.

B. Mediation

The purpose of mediation is to offer both the parent and the school district an alternative to a formal due process hearing. Mediation is voluntary and requires the consent and agreement of both parties. Mediation cannot be used to deny or delay access by a parent to a due process hearing. Mediation is used to resolve disagreements concerning the identification, evaluation and delivery of educational services or provision of a FAPE to a special education student. Mediation may be terminated by either party at any time during the process.

The primary participants are the parents, school district representatives and mediator. The process is voluntary, confidential and informal. It is a collaborative process, conducted in a nonadversarial manner. Mediation services will be provided by the Office of Superintendent of Public Instruction (OSPI) at no cost to either party.

The district’s special education director is responsible for coordinating requests for mediation. If a parent requests mediation, notify the director and the director will respond to the parent and coordinate with OSPI’s contracted agent. Staff members are reminded that discussions that occur during the mediation process are confidential.

One person designated by the district to attend the mediation must have authority to bind the district in any agreement reached through mediation.

Due Process Hearing

Both parents and districts may file due process hearings involving the identification, evaluation, placement or provision of FAPE to a student. IDEA requires that specific information be provided as part of a due process hearing request. The requirements are identified in the notice of procedural safeguards. If parents request information about how to file a due process hearing, the district will provide the parent with a due process hearing request that contains the required information. Due process hearing request forms are available at the Special Services office and on the OSPI Special Education and Administrative Resources Web site.

If any staff receives a request for a due process hearing, a copy of the request should be immediately forwarded to the Special Services Director. If the parent has not filed the request for hearing with OSPI, the district will forward the parent request to OSPI Administrative Resources Section. The district may not delay or deny a parent’s due process hearing request. Parents are entitled to a copy of the notice of procedural safeguards if this is the first due process hearing in a school year. The district Special Services Director is responsible for providing the parents a copy of the procedural safeguards in this situation and documenting that the safeguards were provided to the parent.

When a parent files a due process hearing, the student remains in the placement at the time of the request for hearing unless the parents and district agree to a different placement. See the discipline section below for placements when a disciplinary action is challenged.

When parents file a request for a due process hearing, the Special Services Director will immediately schedule a resolution meeting. The meeting must occur within 15 days after a parent request for hearing or seven days if the hearing request involves an expedited hearing regarding discipline. The Special Services Director will determine the appropriate district staff that will attend the resolution meeting. The district will ensure that one of the district
representatives attending the resolution meeting has authority to bind the district in any resolution agreement. The district will not bring district counsel to a resolution meeting unless the parent is bringing an attorney to the meeting.

Any resolution agreement reached will be documented in writing and is binding on the parties. The document will inform the parent of their right to void the agreement within three business days of signing the agreement.

**Discipline**

Students eligible for special education may be disciplined consistent with the disciplinary rules that apply to all students. The district will determine on a case by case basis whether discipline that is permitted under WAC 392-400 should occur. However, students eligible for special education must not be improperly excluded from school for disciplinary reasons that are related to their disability or related to the district’s failure to implement a student’s IEP. The district will take steps to ensure that each employee, contractor and other agents of the district responsible for education or care of a student is knowledgeable of special education disciplinary rules.

**A. Removal Up to Ten Days**

Building principals may order the removal of a special education student from a current placement. The district need not provide services to a special education student removed from the current placement for ten school days or less in any school year, if services are not provided to a student without disabilities.

**B. Removal for More than Ten Days**

Once a student has been removed from placement for a total of ten school days in the same school year, the district must, during subsequent days of removal, provide appropriate services to the extent necessary to enable the student to participate in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the student’s IEP. The Special Services Director, in consultation with one or more of the student’s teachers, will make the determination of such necessary services.

If the IEP team members described in the manifestation determination section determine that the behavior is not a manifestation of the student’s disability and the removal is a change of placement, the district may apply the same disciplinary measures that apply to students without disabilities. However, the student must continue to receive services to the extent necessary to enable the student to participate in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the student’s IEP. The relevant IEP team members, selected by the parent and the district, will determine appropriate services.

**Change in Placement**

A change of placement occurs when a special education student is:

1. Removed from current placement for more than ten consecutive school days in a school year; or
2. Subjected to a series of removals in a school year and which constitute a pattern of removal because: 1) the series of removals total more than ten school days in a year; 2) the student behavior is substantially similar to the student’s behavior in previous incidents that resulted in the series of removals; and 3) because of factors such as the length of each removal, the total amount of time a student is removed, and the proximity of the removals to one another.
Whether a pattern of removal constitutes a change in placement is determined on a case-by-case basis by the building principal and Special Services Director and is subject to review through due process and judicial proceedings. When considering a removal that may exceed ten days, building principals must contact the Special Services Director.

**Manifestation Determination**

Within ten school days after the date on which the decision to change the placement is made the district will conduct a “manifestation determination” of the relationship between the student’s disability and the behavior subject to the disciplinary action.

The review of the relationship between a student’s disability and the behavior subject to the disciplinary action will be done in a meeting by the parent and relevant members of the IEP team who are selected by the parent and the district. The case manager or school psychologist is responsible for contacting the parent in order to determine relevant IEP team member and providing notice of the meeting. The team will review all relevant information in the student’s file, including the IEP, teacher observations and information provided by the parent to determine:

1. If the conduct was caused by or had a direct and substantial relationship to the child’s disability; or
2. If the conduct in question was the direct result of the district’s failure to implement the student’s IEP.

If the team determines that the behavior resulted from any of the above, the behavior must be considered a manifestation of the student’s disability and the contemplated disciplinary action will not proceed.

If the team determines, specifically, that the conduct was the direct result of the district’s failure to implement the IEP, the district must take immediate action to remedy the deficiencies.

If the IEP team determines that the conduct was a manifestation of the student’s disability, the team must:

1. Conduct a functional behavioral assessment (unless already completed) and implement a behavioral intervention plan; or
2. Review the existing behavioral intervention plan and modify it to address the behavior; and
3. Return the child to the placement removed from unless the parents and the district agree a change is necessary as part of the behavioral intervention plan, or unless the infraction involves drugs, weapons or bodily harm.

**Special Circumstances**

School personnel may order a change in placement to an appropriate interim alternative educational setting for the same amount of time that a student without disabilities would be subject to discipline, but for not more than 45 school days, if a special education student:

1. Possesses a “dangerous weapon” or carries such a weapon to school or to a school function;
2. Knowingly possesses or uses “illegal drugs” while at school or a school function;
3. Sells or solicits the sale of a “controlled substance” while at school or a school function; or
4. Inflicts serious bodily injury upon another person while at school or a school function.

Serious bodily injury means a substantial risk of death, extreme physical pain, protracted
and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

Any interim alternative educational setting in which the student is placed is determined by the student’s IEP team and will:

1. Be selected so as to enable the student to participate in the general curriculum, although in another setting and to progress toward meeting the goals set out in the student’s IEP; and
2. Include services and modifications designed to address the behavior or to prevent the behavior from recurring.

The district may ask an administrative law judge, or seek injunctive relief through a court having jurisdiction of the parties, to order a change in placement to an appropriate interim alternative educational setting for not more than 45 calendar days or seek injunctive relief through a court having jurisdiction of the parties when:

1. The district can demonstrate beyond a preponderance of the evidence that maintaining said student’s current placement is substantially likely to result in injury to the student or others;
2. The district has made reasonable efforts to minimize the risk of harm in the current placement, including the use of supplementary aids and services; and
3. The proposed interim alternative educational setting has been proposed by school personnel in consultation with the student’s special education teacher and meets the requirements of WAC 392-172A.

Unless the parent and the district agree otherwise, if a parent requests a hearing to challenge either the manifestation determination or the interim alternative educational setting, the student must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45 day period, whichever occurs first.

Basis of Knowledge

A student who has not been determined eligible for special education services may assert the protections if the district had knowledge that the student was an eligible for special education before the behavior that precipitated disciplinary action occurred.

The district is deemed to have knowledge if:

A. The parent expressed concern in writing (or orally if the parent does not know how to write or has a disability that prevents a written statement) to district supervisory or administrative personnel or a teacher that the student is in need of special education and related services;
B. The parent requested that the student be evaluated for special education services; or
C. The teacher or other school personnel has expressed specific concern about a pattern of behavior demonstrated by the student to the director of the special education department or to other supervisory staff.

If instituting disciplinary action that would exceed ten days and the principal believes that one or more of these events applies to the student, the principal will notify the special education department to determine the appropriate disciplinary procedures.

The district is not deemed to have knowledge if, as a result of receiving the information described above, the district either:

A. Conducted a special education evaluation of the student and determined that the student was not eligible for services; or
B. The parent of the student has not allowed an evaluation of the child or has refused services.

If the district is not deemed to have knowledge that a student is a special education student, the student may be disciplined as a student without disabilities who engages in comparable behaviors. The district will conduct an evaluation, which is requested during the time period such a student is subjected to disciplinary measures, in an expedited manner. Until the evaluation is completed, such a student will remain in the educational placement determined by the district, which can include suspension or expulsion without educational services.

Notwithstanding the foregoing, the district may report a crime committed by a special education student to appropriate authorities. In the event of such a report, the district will ensure that copies of the student’s special education and disciplinary records are transmitted for consideration by the appropriate authorities to whom the crime is reported, to the extent transmission of the records is permitted by the Family Educational Rights and Privacy Act (FERPA).

**Staff Qualifications**

All employees of the district funded in whole or part with state or federal excess special education funds will meet the standards established by the State Board of Education (SBE) and defined in WAC 392-172-A-02090.

All employees will hold such credentials, certificates or permits as are now or hereafter required by the SBE for the particular position of employment and will meet such supplemental standards established by the district.

All special education teachers providing, designing, supervising, evaluating or monitoring the provision of special education will possess “substantial professional training.” This will be shown by the issuance of an appropriate special education endorsement on an individual teaching certificate issued by the superintendent of public instruction.

In the event a special education teacher does not have a certificate endorsed in special education, a district may apply for a pre-endorsement waiver through the special education section of the OSPI. To qualify for the special education pre-endorsement waiver, the teacher must meet SBE criteria.

If the district must temporarily assign a classroom teacher without a special education endorsement to a special education position, the Special Services Director will document in writing that:

A. The district is unable to recruit a teacher with the proper endorsement who was qualified for the position;

B. The need for a teacher with such an endorsement could not have been reasonably anticipated and the recruitment of such a classroom teacher at the time of assignment was not reasonably practical; and/or

C. The reassignment of another teacher within the district would be unreasonably disruptive to the current assignments of other classroom teachers or would have an adverse effect on the educational program of the students assigned to the other teacher.

If one or more of these criteria can be documented and the district determines that a teacher has the competencies to be an effective special education teacher and the teacher has completed six-semester hours or nine-quarter hours of course work which are applicable to the special education endorsement, the district can assign the teacher to special education in compliance with the process for making out-of-endorsement assignments and reporting them to the state.
Classified staff will present evidence of skills and knowledge necessary to meet the needs of students with disabilities. The district will provide training to classified staff to meet the state recommended core competencies.

**Personnel Development**

In order to provide a staff development program to improve the quality of instructional programs, the following procedures will be employed:

1. Special education concerns will be identified through a staff needs assessment completed by administrators, teachers, educational staff associates, program assistants, parents and volunteers;
2. Training must be provided annually to all personnel who may be providing aversive interventions under a student’s IEP;
3. In-service training schedules will be developed based upon the results of the district assessment and in support of needs identified;
4. Training activities will be conducted for regular general and special education staff, staff of other agencies and organizations and private school staff providing services for special education student; and
5. Training for classified staff in the state recommended core competencies will occur through annual training and review of the district’s para-professional handbook.

**Public Participation**

Any application and any required policies, procedures, evaluations, plans and reports are readily available to parents and other members of the public through the district’s special education office and the office of the superintendent. A notice regarding the availability of such documents will be placed on the district’s Web site.
Highly Capable Programs

In order to develop the abilities of each Highly Capable Program student, the district will offer a highly capable program which provides kindergarten through twelfth grade students selected for the program access to basic education program that accelerates learning and enhances instruction. The framework for such programs will encompass, but not be limited to, the following objectives:

A. Expansion of academic attainments and intellectual skills;
B. Stimulation of intellectual curiosity, independence and responsibility;
C. Development of a positive attitude toward self and others; and
D. Development of originality and creativity.

The board will annually approve the district’s highly capable plan including: the number of students the district expects to serve by grade level; the district’s plan to identify students; a description of the highly capable program goals; a description of the services the program will offer; an instructional program description; a description of ongoing professional development for highly capable program and general education staff; program evaluation; a fiscal report; and assurances that the district is legally compliant.

The superintendent/designee will establish procedures consistent with state guidelines for nomination, assessment and selection of children of demonstrated achievement or potential ability in terms of general intellectual ability, academic aptitude and creative or productive thinking.

Legal References:  
- **RCW 28A.185.030** Programs — Authority of local school districts — Selection of students  
- **WAC 392-170** Special service program — Highly capable students

Management Resources:

- *Policy and Legal News*, September 2013  
- *Policy News*, April 2008

Adoption Date: 01.28.85
Washougal School District
Revised: 10.12.10; 04.23.13; 05.24.14
**Highly Capable Programs**

**Definition**
Highly capable students are students who perform or show potential for performing at significantly advanced academic levels when compared with others of their age, experiences, or environments. Outstanding abilities are seen within students' general intellectual aptitudes, specific academic abilities, and/or creative within a specific domain. These students are present not only in the general populace, but are present within all protected classes.

Students who are highly capable may possess, but are not limited to, these learning characteristics:

1. Capacity to learn with unusual depth of understanding, to retain what has been learned, and to transfer learning to new situations;
2. Capacity and willingness to deal with increasing levels of abstraction and complexity earlier than other peers;
3. Creative ability to make unusual connections among ideas and concepts;
4. Ability to learn quickly in their area(s) of intellectual strength; and
5. Capacity for intense concentration and/or focus.

The following procedures will be employed to nominate, assess and select students to participate in the program:

**Nomination**
Referrals are permitted and accepted based on data or evidence from teachers, other staff, parents, students, and members of the community. Nominators will use the district’s nomination form to refer a student to be considered for admission in the program. The information will be collected by the highly capable program coordinator for the Multidisciplinary Selection committee blind (no name) early spring review.

**Screening**
The district will screen each nominee to identify students who qualify for further assessment. Screening criteria may include the following:

- District benchmark assessments
- State outcome assessments
- Other district assessments (i.e. PSAT, SAT, ACT)

**Assessment**
The district will obtain written parental permission prior to conducting assessments to determine eligibility for participation in its Highly Capable Program (HCP).

Nominees identified for further testing through the screening process will be assessed using multiple objective criteria. The assessment process shall be based upon a review of each nominee’s capability as shown by multiple criteria, from a wide variety of sources and data, intended to reveal each nominee’s unique needs and capabilities. The assessment criterion consists of both qualitative and quantitative instruments and may include:

- CogAT 7
- Teacher reports
- Student work samples
- Student portfolios
Selection
The multi-disciplinary selection committee is composed of: A special teacher (provided that if a special teacher is not available, a classroom teacher shall be appointed); a psychologist or other qualified practitioner with the training to interpret cognitive and achievement test results; a certificated coordinator or administrator with responsibility for the supervision of the district’s highly capable program; highly capable program coordinator; and additional professionals, if any, that the district deems desirable.

The multi-disciplinary selection committee will review and evaluate individual student assessment profile data using a blind (no name) process. The selection decision is based on:

1. A preponderance of evidence from the profile data demonstrating that a student is among the most highly capable;
2. Evidence of clear need for highly capable services; and
3. Determination of which students would benefit the most from inclusion in the district’s program.

A single assessment score or indicator will not prevent a student's selection for the HCP; however, individual pieces of evidence, if strong enough, can indicate that the student would benefit from these services. If properly validated test are not available, the professional judgment of the qualified district personnel shall determine eligibility of the student based upon evidence of cognitive and/or academic achievement.

The district will:
A. Notify parents of students who have been selected. Parents will receive a full explanation of the procedures for identification, an explanation of the process to exit a student from the program, the information on the district's program and the options that are available to identified students.
B. Obtain parental permission to place identified students in the program before any special services and programs are provided to the student.
D. Conduct an annual parent meeting to review each student’s educational plan.

Process for Appeal
Parents/legal guardians have the right to appeal the Multi-Disciplinary Selection Committee’s decision. Individuals appealing the selection committee’s decision must submit a completed appeals form or letter requesting review of selection/placement decision. The written request must include reasons for the appeal and, to support reconsideration, provide additional evidence of significantly advanced cognitive or academic levels and/or outstanding intellectual, academic, or creative abilities.

The appeal request and supporting evidence must be submitted to the Highly Capable Program Coordinator; 4855 Evergreen Way, Washougal, WA. 98671, within ten (10) school days of the Multi-Disciplinary Selection Committee’s decision notification.

The district’s Highly capable program coordinator will review the student’s file, assessment profile data, and additional evidence provided in the request for appeal. The Appeals Committee is composed of: administrator from the district office and Multidisciplinary selection committee.

The decision of the multidisciplinary selection committee may include:
• Upholding the original decision of the Multidisciplinary Selection Committee.
• Reversing the decision of the Multidisciplinary Selection Committee.
The committee will make a decision within thirty (30) school days after receipt of written request for reconsideration. The parent/legal guardian will be notified of the decision in writing. The decision of the Appeals Committee is final.

Exit Process
The exit process may be initiated for students who no longer demonstrate a need for highly capable program services. A parent/legal guardian may request that the student be withdrawn from the program or a student may voluntarily withdraw from the program. A meeting will be convened by the Highly Capable Program Coordinator/Director to discuss the request. If the parent/legal guardian desires to withdraw the student from the program, the student will be exited from the program. The multi-disciplinary selection committee will determine if identification procedures are necessary for students wishing to reenter the program in the future.

The multi-disciplinary selection committee may request additional evidence of student capabilities and/or willingness to participate in the program. If the committee determines that the student no longer qualifies for highly capable program services, the parent will be notified in writing of the committee’s decision and of the appeal’s process.

Program Design
The district will make a variety of appropriate program services available to students who participate in the program. Once services are started, a continuum of services will be provided to identified students in grades K-12. The district will keep on file a description of the educational programs provided for identified students. The district reviews services at least annually for each student to ensure that the services are appropriate.

Reporting
Identified students will be assigned the appropriate CEDARS Gifted value(s) in the district's student information system for the end-of-year reporting activities.

The superintendent or designee will provide an end-of-the-year report to the Office of Superintendent of Public Instruction (OSPI) which includes:

- Number of students served by grade level K-12
- Student demographic information
- Survey to parents to determine if students who are highly capable met the goals set and if the programs provided met the academic needs of these students;
- Number and content of professional development activities provided for special teachers and general education staff;
- Program evaluation data and, if needed, program changes that will be made based upon this information; and
- Final Fiscal report that reports on activities and staff funded by this program.
Field Trips, Excursions and Outdoor Education

The board recognizes that field trips, when used as a device for teaching and learning integral to the curriculum, are an educationally sound and important ingredient in the instructional program of the schools. Such trips can supplement and enrich classroom activities by providing learning experiences in an environment beyond the classroom.

The board also recognizes the value of student participation in co-curricular after school sports and activities and that field trips associated with supporting student skill development, teamwork, and experiential opportunities can provide for positive student growth in the areas of social, physical, artistic and intellectual development.

Field trips that take students out of the state (with the exception of the Portland, OR metropolitan area) or are planned to keep students out of the district overnight must be approved in advance by the board. The superintendent has the authority to approve all other field trips.

The superintendent will develop procedures for the operation of a field trip or an outdoor education activity which will ensure that the safety of the student is protected and that parent permission is obtained before the student leaves the school. Each field trip must be integrated with the curriculum and coordinated with classroom activities that enhance its usefulness. Private vehicles may be used to transport students if approval is obtained in advance from the principal.

No staff member may recruit students for any privately arranged field trip or excursion without board permission.

Cross References: Board Policy 3520 Student Fees, Fines, or Charges
Board Policy 6625 Private Vehicle Transportation

Legal References: RCW 28A.330.100(5) Additional powers of board
RCW 67.20.020 Parks, bathing beaches, public camps — Contracts for cooperation

WAC 181-87-090 Improper remunerative conduct
Field Trips, Excursions, and Outdoor Education

Field trips are defined as travel away from school premises, under the supervision of a teacher, with an approved course of study, for the purpose of affording students a direct learning experience not available in the classroom. The following procedures will apply:

Field Trips
A. The staff member will submit a completed field trip request form to the principal at least one week prior to submission to the board;
B. The staff member will contact the site to make specific arrangements for the field trip so that the desired activity can be coordinated with the classroom studies;
C. The staff member will be responsible for securing additional adult supervision for the trip (one adult to a maximum of ten students);
D. If private vehicles are used, field trip forms will be completed which acknowledge the name of the driver of each vehicle to be used. The principal will contact the district office to determine if the district's liability insurance coverage will protect the driver. Appropriate background checks are required related to the amount of supervised contact with students;
E. Each student participating in a field trip must first return a permission slip signed by his/her parent. Parents will be informed if private vehicles are to be used for the field trip; and
F. A letter of appreciation should be sent to the site host upon completion of the field trip.

Outdoor School
A. The proposed curricula for the outdoor education school will be presented to teachers at least one month prior to the session;
B. Information to parents regarding special clothing, dates, supervising proposed activities, and other duties will be sent to parents at least one month prior to the session. The parent must sign an approval form;
C. Students who do not elect to attend will engage in meaningful learning experiences at school;

 Overnight Field Trips
A. The staff member must submit to the principal a written plan, including purpose, supervision, itinerary, cost, housing, and student costs (if any) at least two weeks prior to submission to the board;
B. After approval by the principal, the proposal should be submitted to the superintendent at least one week prior to the board meeting;
C. The staff member should attend the board meeting to answer any questions the board may have; and
D. After approval by the board, a written description of the overnight field trip will be sent to the parent. All such field trips are optional. Parent permission is required.

International Travel
Approval of international travel will be subject to the United States Department of State travel warnings. Travel warnings are issued when the state department decides, based on all relevant information, to recommend that Americans avoid travel to a certain country. District travel to Canada and Mexico will be approved unless either country is identified through a travel warning. No district sponsored international travel will be approved unless either country is identified through a travel warning. No district sponsored international travel will be approved to any other country as long as the worldwide caution is in effect.
A. The staff member must submit to the principal a written request for approval, including purpose, supervision, itinerary, cost, housing, and student costs six months before the date of the trip and before any fundraising begins or deposits are placed for the trip;

B. After approval by the principal, all requests for both single and multi-school trips will be approved by the superintendent at least one week prior to the board meeting;

C. The staff member should attend the board meeting to answer any questions from the board;

D. After approval by the board, a written description of the international, overnight field trip will be sent to the parent. All such international trips are optional. Parent permission is required;

E. All signed approval forms and trip records will be kept on file at the school; and

F. Staff members and sponsors will obtain competitive pricing to assure maximum student participation at the lowest possible cost.
PARENT PERMISSION FORM for FIELD TRIPS—REQUIRED

**TEACHER COMPLETES THIS PORTION:**

Teacher Name:  
School Name:  
Today's Date:  

Field Trip Start Date:  
Start Time:  
Field Trip Return Date:  
Return Time:  

Purpose of Field Trip:  
Field Trip Destination:  

Number of Approved Adults (Employees and Volunteers) Attending:  

**PARENT/GUARDIAN COMPLETES INFORMATION BELOW**

Your signature below indicates that you give permission for your student to attend this field trip. Please complete the following information or check “Not Applicable” to show that this is not applicable to your student:

1. Please describe any medical or physical condition which could interfere with your student's safety:

2. Does the school have a signed Medication at School Authorization Form that is applicable to this field trip? For example, check items below or provide information summarizing the medication authorization issue:
   ___Asthma inhaler  ___Epi-pen  ___Diabetic supplies  ___Other:_____________________________

3. List your student's known allergies and indicate whether those are moderate or life threatening:

4. ___ Not Applicable to my student

Emergency Telephone Numbers:
Name:_________________________ at _______ -_______-______________
Name:_________________________ at _______ -_______-______________
Name:_________________________ at _______ -_______-______________

Student's Doctor/Local Health Provider: ___________________________ Phone: _______________ 
Name of Medical Insurance Provider: ___________________________ Student's Insurance #__________

**PARENT/GUARDIAN NAME AND SIGNATURE:**

STUDENT NAME_________________________________________________________________________

PARENT/GUARDIAN PRINTED NAME_________________________________________________________

I understand that there are risks associated with participation in field trip activities away from school. In case of an emergency, I authorize qualified health or emergency response professionals to provide assessment and treatment. I also understand that the school staff/district will not assume liability for costs incurred because of accident, injury, illness, and/or unforeseen circumstances. My student may participate in this field trip.

Parent/Guardian Signature: ____________________________________                                      Date __________
# Principal or Administrator Authorization for Field Trips—Required

(Please refer to Board Policy and Procedure 2320 to assure that all timeline requirements and considerations are met.)

**Teacher Completes Information and Submits Form to Administrator for Signature**

## General Information

<table>
<thead>
<tr>
<th>Teacher(s) in charge:</th>
<th>____________________________________________________________________________</th>
<th>Today’s Date:</th>
<th>__________</th>
</tr>
</thead>
</table>

| Grade Level(s) of Students Participating: | __________ | Estimated Number of Students: | __________ |

| Field Trip Start Date: | __________ | Field Trip Return Date: | __________ |

| Start Time: | __________ | Return Time: | __________ |

| Purpose of Field Trip: | ____________________________________________________________________________ |

| Field Trip Destination: | ____________________________________________________________________________ |

| Number of Approved Adults (Employees and Volunteers) Attending: | ____________________________________________________________________________ |

## Travel Arrangement & Budget

<table>
<thead>
<tr>
<th>Do you have the required parent permission form completed?</th>
<th>__Yes __No</th>
</tr>
</thead>
</table>

<table>
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<tr>
<th>Does this trip involve student travel out of Washington or Portland?</th>
<th>__Yes __No</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Does this trip involve a contract with another business or agency?</th>
<th>__Yes __No</th>
</tr>
</thead>
</table>

If Yes, attach a copy of the contract

| $______total amount of contract |

| Check transportation to be used: |
| Washougal School District Bus | District Vehicle |
| Parent arranged transportation | Taxi or airport/hotel shuttle |
| Public bus/train transportation | Airplane |

| Estimated total transportation costs: | $______total for all participants |

| Registration/entrance fee for all students and adults? | $______total for all participants |

| If applicable, cost for substitute(s): | $______ |

| If applicable, provide information on the estimated cost for meals: |
| Breakfast | $______ x number of days x number of participants | $______total for all participants |
| Lunch | $______ x number of days x number of participants | $______total for all participants |
| Dinner | $______ x number of days x number of participants | $______total for all participants |

| Does this trip involve overnight travel? | __Yes __No |

If Yes, attach information showing overnight accommodations, location, contact numbers, date(s) of stay.

| $______total for all participants |

## Budget Analysis:

**Total Trip Cost Estimate** $________________________ |

| ___ASB Funds |
| ___General Funds |

| Revenue Source(s): | __________________________ Account Code: __________________________ |

## Principal/Administrator Signature:

<table>
<thead>
<tr>
<th>Principal/Administrator Signature</th>
<th>Print Principal/Administrator Name</th>
<th>Date</th>
</tr>
</thead>
</table>

If Board approval is needed, send a copy of this signed form to the Superintendent’s office for inclusion on a board agenda.
- High Risk Activities and Field Trips

Activities - What do you NEED to know!

Who owns the activity? is the first question you should ask of every activity or event being proposed. In the world of Risk Management we have a simple phrase- “Divorce or Embrace”. Either the activity will be owned by the School District and therefore embraced or it clearly belongs to another entity and you divorce the School District from any responsibility.

Example: There is a proposal to provide Inflatable Games for Homecoming.

Before you decide yes or no, you should ask - Who owns it?

If the ASB or another school program such as the Junior Class wishes to sponsor this event, then the District will own the activity if it is approved. Embracing the activity requires:

— It will be directly supervised by paid School District Staff acting within the scope of their job duties.
— All applicable District policies/procedures must be followed. This includes the handling of all monies, signing of contracts, transportation requirements, and proper background checks for volunteers, to name a few.
— Determining the educational objective clearly outweighs the risks. The courts have repeatedly stated there has to be an educational benefit that could not have been achieved by another activity that was less dangerous. While the YMCA and local Park Departments do not have to meet this bar, the school district must.
— Verifying with your District Office that there will be liability / property coverage for this activity by the Washington Schools Risk Management Pool. Some activities are excluded and you should always verify. Activities to avoid include those activities traditionally excluded from school district insurance coverage including:

- Air or flight activities, including airplane flying, hang gliding, helicopters, hot air ballooning, parasailing, skydiving and parachuting.
- Motorized races and contests including auto racing, and go-cart racing, demolition contests, stuntng, and tractor pulls.
- Use of watercraft over 26 feet in length, white water rafting, jet-ski or other similar motorized personal watercraft designed to carry two or fewer persons.

It is also best to avoid those activities considered high risk unless specific guidelines are followed:

- Water activities: canoeing, kayaking, wind surfing, private swimming pools, swimming in lakes, Puget Sound and rivers, scuba diving, snorkeling, surfing, watercraft activities (except a properly insured commercial passenger boat), water skiing, water slides, water parks.
- Amusement park activities: amusement or carnival rides, bungee jumping, dunk tanks, fairground activities, food eating contests, moonwalks, mud or Jell-O wrestling, Wild West shows, mechanical bull riding.
- Animal activities: donkey basketball, horse riding, pack animal trips, saddle animals, snake handling, un-caged wild animals, petting zoos.
- Athletics not WIAA approved: high-impact aerobics, archery, martial arts, boxing, rugby, powder puff football, snow skiing, snowboarding.
- Skating (unless it is a part of an approved P. E. program), inline roller skating, rollerblading or ice skating at rinks, skateboarding.
- Wilderness activities: mountain climbing, rock climbing, spelunking (cave exploring), rappelling, wilderness survival, orienteering and search and rescue.
• Other high risk activities such as bonfires, building houses, boats or cars, model rocketry, private parties, fireworks, student cooking (except part of Culinary Arts or Career Technical Education programs) offering home-cooked foods, glass blowing, using trampolines, snow tubing, etc.

If the PTA or Boy Scout troop wishes to sponsor the activity, then the district should make sure it is clear the activity is not district sponsored. Divorcing the activity requires:

— All entities using district property to complete a District Facility Use Agreement. This is a legal contract that outlines what must be complied with if an outside group wishes to use the school building or its grounds. It provides language that states the District will not be responsible for the event, and any claims, losses that occurs that was not due to its own negligence.

— The sponsor to provide evidence of insurance. Since activity is not owned by the District, and therefore not insured by their carrier, the sponsor must be covered by their own policy. Most PTA’s and other national organizations have general liability coverage as part of their charter. If the athletic booster club or other groups do not have insurance they should look for event coverage through a local insurance company or broker.  

— All advertisements, handouts, posters, etcetera to state “This is not a Washougal School District Sponsored Activity”.

— Reminder to any Staff who maybe volunteering or member of the sponsoring group that they are not acting as an employee of the District and will not be covered for liability, Worker Compensation or other employment benefits by the District during this event.

The clearer the activity is divorced from the district, the better it will be to defend against any claims that may occur. Districts get into trouble when they do not follow these procedures and allows the boundaries of who owns the activity to be blurred.

We recommend against co-sponsoring activities/events, but should this be the case, the district is to follow the procedures outlined as a district owned event.

If you have questions, or are unsure how to proceed, contact your District Risk Management person, and relay the facts to them. They will work with WSRMP to help put in place guidelines that will keep you and the District from assuming liability for events and activities you do not own or have control over.

1 WSRMP can provide contact information for a third party if requested. Contact Member Services at 206-394-9737.

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2320 - Expectations for Staff Supervision of Student Activities including Field Trips

**Student Supervision expectations**

“If you can’t see them you aren’t supervising them...” is a mantra of all school district risk managers and for good reason. Lack of proper supervision can result in loss of life and destruction of property and is the number one finding in school lawsuits and claims. Because schools have the unique responsibility to maintain student care, custody and control, proper supervision is major component in any decision a building administrator makes.

Whether on campus or off, if the activity is school sponsored you must provide at least one staff member to oversee the activity. At least one adult must be there to enforce district policies and rules, provide guidance and direction, respond to emergency situations and demonstrate good understanding of the risks and exposures the activity may present to students participating.

**What is proper supervision?**

In Washington State there is no magic formula of student to staff ratio for supervision. Your decision will need to be based on a number of factors that will fluctuate for every activity and event. Staff is required to provide general supervision at all times in order to see and hear what is happening in the area of activity. Specific supervision must be provided when teaching new skills, if students are not following rules or their physical condition changes. More specific supervision is needed for high-risk activities, with younger and less-experienced participants or children with special needs.

**Foreseeability** is another important element when deciding what appropriate supervision is. Your staff is expected to have a thorough understanding of the activity they are supervising in order to anticipate potentially dangerous situations and take prompt, appropriate action to prevent accidents. In same manner if you are aware two students are inclined to become violent, then the school has duty to take steps to prevent them from being allowed to come to blows. If you have a student with propensity to wander off, or run from staff, then the school has responsibility to make sure there is a plan in place to prevent and to respond in case it occurs. If you have a student with life-threatening health issues, staff must be present that are trained to respond accordingly.

On your campus, unoccupied classrooms and locker rooms are areas where it is foreseeable that students could come to harm due to lack of supervision. For this reason you should always insure these areas receive greater scrutiny.
Controversial Issues/Guest Speakers

The district will offer courses of study which will afford learning experiences appropriate to the level of student understanding. The instructional program will respect the right of students to face issues, to have free access to information, to study under teachers in situations free from prejudice and to form, hold, and express their own opinions without personal prejudice or discrimination. The district encourages staff members to provide for the free and orderly flow and examination of ideas so that students may gain the skills to gather and arrange facts, discriminate between facts and opinion, discuss differing viewpoints, analyze problems and draw their own tentative conclusions.

Teachers will plan discussions and procedures, including the use of guest speakers to gain divergent points of view, with thoroughness and objectivity to acquaint students with the need to recognize opposing viewpoints, the importance of facts, the value of judgment and the virtue of respect for conflicting opinions. Teachers will exercise professional judgment in determining the appropriateness of the issue to the curriculum and the maturity of the students. When in doubt regarding appropriateness, the matter should be referred to the principal.

The superintendent will establish procedures for the approval of the use of a guest speaker. When an invited speaker expresses opinions which are partisan or considered controversial by a large portion of the community, the school will provide for the presentation of opposing views.

A. If the teacher and the principal believe the guest speaker's topic is controversial, they will develop a plan whereby the issue(s) can be presented in an objective, unbiased manner; and

B. In the event the speaker's topic is determined to be controversial, the teacher will notify students beforehand that any student who does not wish to attend the presentation may have an alternative assignment.
Flag Exercises

Flag exercises will be conducted in each classroom at the beginning of the school day and at the opening of all school assemblies. Students not reciting the pledge of allegiance will maintain a respectful silence while either seated or standing. When feasible, the salute to the flag or the national anthem will be rendered immediately preceding interschool events.

The United States flag will be displayed upon or near every public school plant, except during inclement weather.

Legal References:  
RCW 28A.230.140  
United States flag — Procurement, display, exercises — National anthem

Management Resources:  
Policy News, August 2001  
A Few Civil Liberty Reminders  
Policy News, December 1999  
Students and ACLU raise flag issue
Required Observances
(Veterans Day, Constitution Day, Temperance and Good Citizenship Day, Disability History Month)

Principals will be responsible for the preparation and presentation of educational activities of approximately sixty minutes in duration in observance of Veteran’s Day. The program will be conducted during the school week preceding the eleventh day of November of each year.

Constitution Day will be observed each year on September 17 in commemoration of the September 17, 1787, signing of the United States Constitution. If September 17 occurs on a non-school day, Constitution Day will be conducted on the preceding Friday.

Temperance and Good Citizenship Day will be observed on January 16 or, if on a non-school day, the Friday preceding January 16.

Disability History Month will be observed during the month of October by conducting or promoting educational activities such as school assemblies or guest speaker presentations that provide instruction, awareness and understanding of disability history and people with disabilities.

Legal References:
- RCW 28A.230.150 Temperance and Good Citizenship Day — Aids in programming
- RCW 28A.230.158 Disability history month – Activities.
- RCW 28A.230.160 Educational activities in observance of Veterans’ Day

Management Resources:
- Policy & Legal News, February 2014, Other updates/corrections
- Policy News, August 2006, Constitution Day Recognition
Religious-Related Activities and Practices

The board recognizes that views and opinions regarding the relationship of the schools and religion are diverse. While community opinions are important in shaping policy, the board must give primary credence to the United States and Washington State constitutions, state law and the decisions made by the respective courts when establishing guidelines for making decisions regarding religious-related activities and practices. The board further accepts the declaration of the State Board of Education that “all students . . . possess the constitutional right to the free exercise of religion and to have their schools free from sectarian control or influence.” To this end, the board establishes the following guidelines to preserve the constitutional rights of all students:

A. Instruction about religious matters and/or using religious materials will be conducted in an objective, neutral, non-devotional manner and will serve a secular educational purpose. History, sociology, literature, the arts and other disciplines taught in school may have a religious dimension. Study of these disciplines, including the religious dimension, will give neither preferential nor disparaging treatment to any single religion or to religion in general and must not be introduced or utilized for devotional purposes.

Criteria used to guide academic inquiry in the study of religion will seek the same neutrality, objectivity and educational effectiveness expected in other areas of the curriculum. In addition, materials and activities should be sensitive to America's pluralistic society and should educate rather than indoctrinate. Instructional activities should meet the three-part test established and used by the U.S. Supreme Court to determine constitutionality: (1) the activity must have a secular purpose; (2) the activity's principal or primary effect must be one that neither advances nor inhibits religion; and (3) the activity must not excessively involve the school in religion. This constitutional restriction does not preclude a student from expressing his/her views relative to belief or non-belief about a religious-related issue in compositions, reports, music, art, debate and classroom discussion, when consistent with the assignment.

All religious-related instructional materials and/or activities must relate to a secular student learning goals or standards.

Staff will avoid assigning work that emphasizes the religious aspects of a holiday. Individual students should be allowed, at their own direction, to use religious personages, events or symbols as a vehicle for artistic expression, if consistent with the assignment. State law prohibits staff from requiring that students reveal, analyze or critique their religious beliefs, from grading academic work on its religious expression if any, from censoring or imposing consequences on students who engage in religious expression in accordance with the law, or from imposing the religious beliefs of the staff member on students.

B. A student may decline to participate in a school activity that is contrary to his/her religious convictions.

C. If noncurriculum-related student groups are permitted to meet on school premises immediately before or after school hours, students will be permitted to meet to discuss religious, political, philosophical or other issues provided such group meetings are student-initiated and student-managed in compliance with Board Policy 2153, Non-curriculum Related Student Groups.
D. Religious groups may rent school facilities under the policy providing for facilities rental. Activities of such groups will be clearly separated from school-sponsored activities so that the school district does not support or appear to support the establishment of religion.

E. A student may distribute religious literature under the same conditions that other literature may be distributed on the campus provided that such distribution does not intrude on the operation of the school.

F. Material and/or announcements promoting religion may not be distributed by non-students or on behalf of groups or individuals who are not students.

G. Religious services, programs or assemblies will not be conducted in school facilities during school hours or in connection with any school sponsored or school related activity. Speakers and/or programs that convey a religious or devotional message are prohibited. This restriction does not preclude the presentation of choral or musical assemblies which may use religious music or literature as a part of the program or assembly.

H. Musical, artistic and dramatic presentations which have a religious theme may be included in course work and programs on the basis of their particular artistic and educational value or traditional secular usage. They will be presented in a neutral, non-devotional manner, be related to the objective of the instructional program, and be accompanied by comparable artistic works of a nonreligious nature.

Since a variety of activities are included as part of a holiday theme, care must be exercised to focus on the historical and secular aspects of the holiday rather than its devotional meanings. Music programs will not use the religious aspect of a holiday as the underlying message or theme. Pageants, plays and other dramatic activities will not be used to convey religious messages. Religious symbols such as nativity scenes, if used, will be displayed in conjunction with a variety of secular holiday symbols so that the total presentation emphasizes the cultural rather than religious significance of the holiday.

I. A student, upon the request of a parent, may be excused to participate in religious instruction for a portion of a school day provided the activity is not conducted on school property. (Credit will not be granted for such instruction.)

J. Upon receipt of a parent(s) request, a student will be excused from attending school in observance of a religious holiday.

K. Students may wear religious attire or symbols provided they are not materially and substantially disruptive to the educational process.

L. As a matter of individual liberty, a student may of his/her own volition engage in private, non-disruptive prayer at any time not in conflict with learning activities. School staff will neither encourage, nor discourage a student from engaging in non-disruptive oral or silent prayer or any other form of devotional activity.

M. Commencement exercises will be free from sectarian influence, including invocations and benedictions.

N. There will be no school sponsorship of baccalaureate services. Interested parents and students may plan and organize baccalaureate exercises provided that the service is not promoted through the school and staff, and student participation is voluntary.

Students, parents and staff who are aggrieved by practices or activities conducted in the school or district may register their concern with the building principal or district superintendent.
Cross References:  
- Board Policy 2153: Noncurriculum-related Student Groups
- Board Policy 3122: Excused and Unexcused Absences
- Board Policy 3220: Freedom of Expression
- Board Policy 3223: Freedom of Assembly
- Board Policy 3224: Student Dress
- Board Policy 4220: Complaints Concerning Staff or Program
- Board Policy 4237: Contests, Advertising and Promotions
- Board Policy 4235: Public Performances
- Board Policy 4260: Use of School Facilities

Legal References:  
- U.S. Constitution: First Amendment, Fourteenth Amendment
- Wash. Constitution: Art. 9, Sec. 4 and Art. 26
- RCW 28A.600.025: Students’ rights of religious expression — Duty of superintendent of public instruction to inform school districts
- WAC 392-400-227: School district rules defining students’ religious rights

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Washougal School District
Revised: 10.12.10; 04.23.13
Policy 2340, p. 3 of 3
Grading and Progress Reports

The board believes that the cooperation of school and home is a vital ingredient in the growth and education of the student and recognizes the district’s responsibility to keep parents informed of student welfare and progress in school.

The district will issue of grades and written or electronic progress reports, and provide opportunities for parent conferences to serve as a basis for continuous evaluation of the student's performance and to help in determining changes that should be made to effect improvement. These written and verbal reports will be designed to provide information that will be helpful to the student, teacher, counselor and parent.

The district will comply with the marking/grading system incorporated into the statewide standardized high school transcript. Secondary students’ grade points will be reported for each term, individually and cumulatively.

The superintendent will establish a system of reporting student progress and will require all staff members to comply with such a system as part of their teaching responsibility.

At the beginning of each term, each teacher will specify in writing the student learning goals or standards for his/her respective courses. If participation is used as the basis of mastery of a goal or standard, a student's grades may be adversely affected for failure to attend or participate, provided on that day there was a graded participation activity. If the teacher does not so advise students in writing, the teacher may not use attendance and participation in the grading process. Students who feel that attendance or tardiness factors have been unfairly applied, may appeal to the principal to determine a resolution.

A student's grade report may be withheld until such time the student pays for any school property that has been lost or willfully damaged. Upon payment for damages or the equivalency through voluntary work, the grade report will be released. The student or his/her parents may appeal the imposition of a charge for damages to the superintendent and board of directors.

Cross References:  Board Policy 3122  Excused and Unexcused Absences
Board Policy 3520  Student Fines, Fees and Charges

Legal References:  RCW 28A.150.240(2)(g)  Basic Education Act — Certificated teaching & administrative staff as accountable for classroom teaching — Scope — Responsibilities — Penalty
RCW 28A.600.030  Grading policies — Option to consider Attendance
RCW 28A.635.060  Defacing or injuring school property — Liability of pupil, parent, or guardian
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Washougal School District
Revised: 05.13.97; 10.12.10; 04.23.13
### Grading and Progress Reports

The grade point averages for grades 9-12 will be calculated in the following manner:

A. Each student’s “grade point average” will be the sum of the point values, of all the marks/grades received for all courses attempted divided by the sum of the credits for all courses attempted. The grade point value will be calculated by multiplying the numerical value of the mark/grade earned by the number of credits assigned to the course.

The numerical value of grades are:

- A = 4.0
- A- = 3.7
- B+ = 3.3
- B = 3.0
- B- = 2.7
- C+ = 2.3
- C = 2.0
- C- = 1.7
- D+ = 1.3
- D = 1.0
- E or F = 0.0

B. The minimal passing mark/grade is D = 1.0. Pass/fail, credit/no credit, and satisfactory/unsatisfactory marks may also be used. These non-numerical marks/grades will be clearly identified and excluded from the calculation of grade point average.

C. Marks/grades for each course taken will be included in the calculation of grade point averages. Only the highest mark/grade for a class/course taken more than once to improve a mark/grade will be included in the calculation of grade point averages. Marks/grades for recurring classes will all be included in the calculation of grade points. Grade point averages will be rounded to two decimal places and reported for each trimester/semester or other term and for the cumulative credits earned for all courses attempted in high school.

The standardized high school transcript will contain:

A. The student’s name (last name, first name, and middle names or middle initials);
B. The student’s current address, address at graduation, or address at withdrawal from school (street, city, state, zip code);
C. The student’s birth date and sex;
D. The student’s identification number (if applicable);
E. The school’s name;
F. The school’s address (street, city, state zip code, and telephone number);
G. The dates of the student’s entry, reentry, withdrawal, and graduation (if applicable) related to the school issuing the transcript;
H. The student’s academic history for high school (grade level and date of course completion, course titles, marks/grades earned, credits attempted, and grade point average);
I. The name and address of parent(s) or guardian(s) (street, city, state, zip code) if such information is available;
J. A list of previous high schools attended (school name, address, city, state, and month and year of entrance and exit); and
K. The signature and/or seal of the authorized school official (name, title, and date).
Excused and Unexcused Absences

Students are expected to attend all assigned classes each day. School staff will keep a record of absence and tardiness, including a call log and/or a record of excuse statements submitted by a parent/guardian, or in certain cases, students, to document a student’s excused absences.

Excused Absences

Regular school attendance is necessary for mastery of the educational program provided to students of the district. Students at times may appropriately be absent from class. The following principles will govern the development and administration of attendance procedures within the district:

The Following are valid excuses for absences:

1. Participation in a district or school approved activity or instructional program;
2. Illness, health condition or medical appointment (including but not limited to medical, counseling, dental or optometry);
3. Family emergency, including but not limited to a death or illness in the family;
4. Religious or cultural purpose including observance of a religious or cultural holiday or participation in religious or cultural instruction;
5. Court, judicial proceeding or serving on a jury;
6. Post-secondary, technical school or apprenticeship program visitation, or scholarship interview;
7. State-recognized search and rescue activities consistent with RCW 28A.225.055;
8. Absence directly related to the student’s homeless status;
9. Absence resulting from a disciplinary/corrective action. (e.g., short-term or long-term suspension, emergency expulsion); and
10. Principal (or designee) and parent, guardian, or emancipated youth mutually agreed upon approved activity.

The school principal (or designee) has the authority to determine if an absence meets the above criteria for an excused absence.

A. If an absence is excused, the student will be permitted to make up all missed assignments outside of class under reasonable conditions and time limits established by the appropriate teacher except that in participation-type classes a student's grade may be affected because of the student's inability to make up the activities conducted during a class period.

B. An excused absence will be verified by a parent/guardian or an adult, emancipated or appropriately aged student, or school authority responsible for the absence. If attendance is taken electronically, either for a course conducted online or for students physically within the district, an absence will default to unexcused until such time as an excused absence may be verified by a parent or other responsible adult. If a student is to be released for health care related to family planning or abortion, the student may require that the district keep the information confidential. Students thirteen and older have the right to keep information about drug, alcohol or mental health treatment confidential. Students fourteen and older have the same confidentiality rights regarding HIV and sexually transmitted diseases.
Unexcused Absences

A. Any absence from school for the majority of hours or periods in an average school day is unexcused unless it meets one of the criteria above for an excused absence.

B. As a means of instilling values of responsibility and personal accountability, a student whose absence is not excused will experience the consequences of his/her absence. A student's grade will be affected if a graded activity or assignment occurs during the period of time when the student is absent.

C. The school will notify a student’s parent or guardian in writing or by telephone whenever the student has failed to attend school after one unexcused absence within any month during the current school year. The notification will include the potential consequences of additional unexcused absences.

D. A conference with the parent or guardian will be held after two unexcused absences within any month during the current school year. A student may be suspended or expelled for habitual truancy. Prior to suspension or expulsion, the parent will be notified in writing in his/her primary language that the student has unexcused absences. A conference will be scheduled to determine what corrective measures should be taken to ameliorate the cause for the student's absences from school. If the parent does not attend the conference, the parent will be notified of the steps the district has decided to take to reduce the student’s absences.

E. Not later than the student’s fifth unexcused absence in a month the district will enter into an agreement with the student and parents that establishes school attendance requirements, refer the student to a community truancy board or file a petition and affidavit with the juvenile court alleging a violation of RCW 28A.225.010.

F. If such action is not successful, the district will file a petition and affidavit with the juvenile court alleging a violation of RCW 28A.225.010 by the parent, student or parent and student no later than the seventh unexcused absence within any month during the current school year or upon the tenth unexcused absence during the current school year.

G. All suspensions and/or expulsions will be reported in writing to the superintendent within 24 hours after imposition.

The superintendent will enforce the district's attendance policies and procedures. Because the full knowledge and cooperation of students and parents are necessary for the success of the policies and procedures, procedures will be disseminated broadly and made available to parents and students annually.

Cross References:

Policy 3230 Student Privacy
Policy 3241 Classroom Management, Corrective Actions or Punishment

Legal References:

RCW 13.34.300 Relevance of failure to cause juvenile to attend school to neglect petition
28A.225 Compulsory school attendance and admission
Management Resources:

- Policy News, December 2011  Revision of Excused/Unexcused Definitions
- Policy News, June 2001  More Tweaking of Becca Petitions
- OSPI Memorandum No. 052-11M  Unexcused Absence Definition
**Excused and Unexcused Absences**

Students are expected to attend all assigned classes each day. School staff will keep a record of absence and tardiness, including a call log and/or a record of excuse statements submitted by a parent/guardian or, in certain cases, students, to document a student’s excused absences.

**Excused Absences**

The following are valid excuses for absences and tardiness. Assignments and/or activities not completed because of an excused absence or tardiness may be made up in the manner provided by the teacher.

A. **Participation in school-approved activity or instructional program.** To be excused this absence must be authorized by a staff member and the affected teacher must be notified prior to the absence unless it is clearly impossible to do so.

B. **Absence due to:** illness; health condition; medical appointment; family emergency; religious purposes; court, judicial proceeding or serving on a jury; post-secondary, technical school or apprenticeship program visitation, or scholarship interview; State recognized search and rescue activities consistent with RCW 28A.225.055; and directly related to the student’s homeless status.

When possible, the parent/guardian is expected to notify the school office on the morning of the absence by phone, e-mail or written note and to provide the excuse for the absence. If no excuse is provided with the notification, or no notification is provided, the parent/guardian will submit an excuse via phone, e-mail or written note upon the student’s return to school. Adult students (those over eighteen) and emancipated students (those over sixteen who have been emancipated by court action) will notify the school office of their absences with a note of explanation. Students fourteen years old or older who are absent from school due to testing or treatment for a sexually transmitted disease will notify the school of their absence with a note of explanation, which will be kept confidential. Students thirteen years and older may do the same for mental health, drug or alcohol treatment; and all students have that right for family planning and abortion.

A parent/guardian may request that a student be excused from attending school in observance of a religious holiday. In addition, a student, upon the request of his/her parent, may be excused for a portion of a school day to participate in religious instruction provided such is not conducted on school property. A student will be allowed one makeup day for each day of absence.

C. **Absence for parental-approved activities.** This category of absence will be counted as excused for purposes agreed to by the principal and the parent/guardian. An absence may not be approved if it causes a serious adverse effect on the student's educational progress. In participation-type classes (e.g., certain music and physical education classes) the student may not be able to achieve the objectives of the unit of instruction as a result of absence from class. In such a case, a parent or guardian-approved absence would have an adverse effect on the student's educational progress which would ultimately be reflected in the grade for such a course. A student, upon the request of his/her parent/guardian, may be excused for a portion of a school day to participate in religious instruction provided such is not conducted on school property or otherwise involves the school to any degree.

D. **Absence resulting from disciplinary actions — or short-term suspension.** As required by law, students who are removed from a class or classes as a disciplinary measure or students
who have been placed on short-term suspension will have the right to make up assignments or exams missed during the time they were denied entry to the classroom if the effect of the missed assignments will be a substantial lowering of the course grade.

E. **Extended illness or health condition.** If a student is confined to home or hospital for an extended period, the school will arrange for the accomplishment of assignments at the place of confinement whenever practical. If the student is unable to do his/her schoolwork, or if there are major requirements of a particular course which cannot be accomplished outside of class the student may be required to take an incomplete or withdraw from the class without penalty.

F. **Excused absence for chronic health condition.** Students with a chronic health condition which interrupts regular attendance may qualify for placement in a limited attendance and participation program. The student and his/her parent will apply to the principal or counselor, and a limited program will be written following the advice and recommendations of the student's medical advisor. The recommended limited program will be approved by the principal. Staff will be informed of the student's needs, though the confidentiality of medical information will be respected at the parent's request.

**Unexcused Absences**

Unexcused absences fall into two categories:

A. Submitting an excuse which does not constitute an excused absence as defined previously; or

B. Failing to submit, whether by phone, e-mail or in writing, any type of excuse statement by the parent, guardian or adult student.

1. Each unexcused absence will be followed by a warning letter to the parent of the student. Each notice will be in writing in English or in the primary language of the parent. A student's grade will not be affected if no graded activity is missed during such an absence.

2. After two unexcused absences within any month a conference will be held between the parent, student and principal. At such a conference the principal, student and parent will consider:
   a. Adjusting the student's program;
   b. Providing more individualized instruction; preparing the student for employment with specific vocational experience or both;
   c. Transferring the student to another school;
   d. Assisting the student to obtain supplementary services that might eliminate or ameliorate the causes of absence; or,
   e. Imposing other corrective actions that are deemed to be appropriate.

Not later than the student’s fifth unexcused absence in a month the district will enter into an agreement with the student and parents/guardians that establishes school attendance requirements, refer the student to a community truancy board or file a petition and affidavit with the juvenile court alleging a violation of RCW 28A.225.010.

3. If the above action fails to correct the attendance problem, the student will be declared a habitual absentee. The principal will interview the student and his/her family and prescribe corrective action, which may include suspension for the current semester and expulsion. The following truancy petition procedure will apply only to students under the age of seventeen:
No later than the seventh unexcused absence within any month during the current school year, or upon the tenth unexcused absence during the current school year, the district will file a petition and affidavit with the juvenile court alleging a violation of RCW 28A.225.010 by the parent, student or parent and student. The petition consists of written notification to the court alleging that:

a. The student has unexcused absences in the current school year. While petitions must be filed if the student has seven or more unexcused absences within any one month, or ten or more unexcused absences in the current school year, a petition may be filed earlier. In addition, unexcused absences accumulated in another school or school will be counted when preparing the petition;
b. Attesting that actions taken by the school district have not been successful in substantially reducing the student’s absences from school; and
c. Court intervention and supervision are necessary to assist the school district to reduce the student’s absences from school.

The petition will include the student’s name, date of birth, school, address, gender, race and ethnicity; and the names and addresses of the student’s parents/guardians, whether the student and parent are fluent in English, whether there is an existing individualized education program (IEP) and the student’s current academic status in school.

Petitions may be served by certified mail, return receipt requested, but if such service is unsuccessful, personal service is required. At the district’s choice, it may be represented by a person who is not an attorney at hearings related to truancy petitions.

If the allegations in the petition are established by a preponderance of the evidence, the court shall grant the petition and enter an order assuming jurisdiction to intervene for a period of time determined by the court, after considering the facts alleged in the petition and the circumstances of the student, to most likely cause the student to return to and remain in school while the student is subject to the court’s jurisdiction.

If the court assumes jurisdiction, the school district shall will periodically report to the court any additional unexcused absences by the student, actions taken by the school district, and an update on the student’s academic status in school at a schedule specified by the court. The first report must be received no later than three (3) months from the date that the court assumes jurisdiction.

4. A student who has been expelled for attendance violations may petition the superintendent for reinstatement. Such petition may be granted upon presentation of a firm and unequivocal commitment to maintain regular attendance.

5. Any student who presents false evidence, with or without the consent of his/her parent/guardian, in order to wrongfully qualify for an excused absence will be subject to the same corrective action that would have occurred had the false excuse not been used.

6. Students six or seven years of age, who have been enrolled in the district are required to attend school and their parents/guardians are responsible for ensuring that they attend. Parents/guardians who wish to withdraw their children before the age of eight, and against whom no truancy petition has been filed, may withdraw the students from school. When a six or seven year old student has unexcused absences, the district will do the following:
   a. Notify the parent or guardian in writing or by telephone after one unexcused absence in any month.
Procedure 3122P

b. Request a conference with the parent or guardian and child to analyze the causes of
the student’s absences after two unexcused absences in any month (a regularly
scheduled teacher-parent conference held within thirty days may substitute).

c. Take steps to eliminate or reduce the student’s absences, including: adjusting the
school program, school or course assignment; providing more individualized or
remedial instruction; offering enrollment in alternative schools or programs; or
assisting in obtaining supplementary services.

d. After seven unexcused absences in a month, or ten in a school year, the district will
file a truancy petition.

Students are expected to be in class on time. When a student's tardiness becomes frequent or
disruptive, the student will be referred to the principal or counselor. If counseling, parent
conferencing or disciplinary action is ineffective in changing the student's attendance behavior,
he/she may be suspended from the class.

All sanctions imposed for failure to comply with the attendance policies and procedures will be
implemented in conformance with state and district regulations regarding corrective action or
punishment. (See WSSDA model policy 3241, Classroom Management, Corrective Actions or
Punishment.)
Prohibition of Harassment, Intimidation and Bullying

The board is committed to a safe and civil educational environment for all students, employees, parents/legal guardians, volunteers and community members that is free from harassment, intimidation or bullying. “Harassment, intimidation or bullying” means any intentionally 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:

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
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 will be implemented in conjunction with comprehensive training of staff and volunteers.

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.
Retaliations/False Allegations
Retaliations are 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.

Cross References:  
Policy 3200 Student Rights and Responsibilities  
Policy 3210 Nondiscrimination  
Policy 3211 Transgender Students  
Policy 3240 Student Conduct  
Policy 3241 Classroom Management, Corrective Actions or Punishment  
Policy 5011 Sexual Harassment

Legal Reference:  
RCW 28A.300.285 Harassment, intimidation, and bullying prevention policies and procedures — Model policy and procedure — Training materials — Posting on web site — Rules — Advisory committee

Management Resources:  
Policy News, December 2010 Harassment, Intimidation and Bullying Policy Strengthened  
Policy News, April 2008 Cyberbullying Policy Required  
Policy News, April 2002 Legislature Passes and Anti-Bullying Bill

Adoption Date: 08.05.03  
Washougal School District  
Revised: 06.26.07; 02.08.11; 06.25.13; 10.22.13; 01.28.14
Prohibition of Harassment, Intimidation and Bullying

A. **Introduction**

The Washougal 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 policy 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. The school community includes all students, school employees, school board members, contractors, unpaid volunteers, families, patrons, and other visitors. Student(s) 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 who observes, overhears, or otherwise witnesses harassment, intimidation or bullying or to whom such actions have been reported must take prompt and appropriate action to stop the harassment and to 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:

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 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 Forms may be used by students, families, or staff to report incidents of harassment, intimidation or bullying. A sample form is provided on the Office of Superintendent of Public Instruction’s (OSPI) School Safety Center website: www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx.

**Retaliation** is when an aggressor harasses, intimidates, or bullies a student who has reported incidents of bullying.

**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** 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.

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

1. RCW 28A.300.285 – Harassment, Intimidation and Bullying
2. RCW 28A.640.020 – Sexual Harassment
3. RCW 28A.642 – Prohibition of Discrimination in Public Schools
4. RCW 49.60.010 – The Law Against 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 gender or 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 a statement summarizing the policy and procedure is provided in student, staff, volunteer, and parent handbooks, is available in school and district offices and/or hallways, or is posted on the district’s website.

   Additional distribution of the policy and procedure is subject to the requirements of Washington Administrative Code 392-400-226.

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 form.

3. **Training**

   Staff will receive annual training on the school district’s policy and procedure, including staff roles and responsibilities, how to monitor common areas 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.

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 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 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 fall training;
7. Provide the OSPI School Safety Center with notification of policy 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.

F. Staff Intervention
All staff members will intervene when witnessing or receiving reports of harassment, intimidation or bullying. Minor incidents that staff are 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.

G. Filing an Incident Reporting Form
Any student who believes he or she has 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.

H. Addressing Bullying – Reports

Step 1: Filing an Incident Reporting Form
In order to protect a targeted student from retaliation, a student need not reveal his 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).

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 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 policy 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 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, 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 Incident Reporting Form and submitted to the principal or designee, unless the principal or designee is the subject of the complaint.

**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.

1. 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/guardian.

2. 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.

3. 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 procedure on harassment, intimidation and bullying.
4. 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.

5. The investigation will include, at a minimum:
   a. An interview with the complainant;
   b. An interview with the alleged aggressor;
   c. A review of any previous complaints involving either the complainant or the alleged aggressor; and
   d. Interviews with other students or staff members who may have knowledge of the alleged incident.

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

7. 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.

8. 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 policy; 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 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 professional school personnel suspect that a student is subject to abuse or neglect, as mandatory reporters they must follow district policy 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 district.
Procedure No. 3207P

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 policy 3241, Classroom Management, Corrective Actions or Punishment. 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 his or her designee by filing a written notice of appeal within five (5) school days of receiving the written decision. The superintendent or his or her 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 (5) 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 will provide a copy to all parties involved. The board or council’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. 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, or the student’s history of problem behaviors and performance. Corrective measures that involve student discipline will be implemented according to district policy 3241, Classroom Management, Corrective Actions or Punishment.

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 policy and procedure, school districts 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 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 will 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, 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. An 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
  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
  877.292.3804
  www.justice.gov/crt/
- Office of the Education Ombudsman
  866.297-2597
  Email: OEOinfo@gov.wa.gov
  www.governor.wa.gov/oeo/default.asp
- OSPI Safety Center
  360.725-6044
  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 in this policy but which are, or may be, prohibited by other district or school rules.

Date: 06.13
Transgender Students

The board believes in fostering an educational environment that is safe and free of discrimination for all students, regardless of sex, sexual orientation, gender identity or gender expression. To that end, the board recognizes the importance of an inclusive approach toward transgender students with regard to official records, confidential health and education information, communication, restroom and locker room 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 policy and its procedure will support that effort by facilitating district compliance with local, state and federal laws concerning harassment, intimidation, bullying and discrimination.

Cross References:  
Policy 3210  
Nondiscrimination
Policy 3207  
Prohibition of Harassment, Intimidation and Bullying
Policy 3231  
Student Records

Legal References:  
Chapter 28A.642, RCW  
Discrimination prohibition
Chapter 49.60, RCW  
Washington Law Against Discrimination
Family Education Rights and Privacy Act

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

Management Resources:  
Policy and Legal News, November 2013  
WSSDA issues new policy regarding transgender students

Adoption Date:  01.28.14
Washougal School District
Transgender Students

The principal or building administrator is encouraged to request a meeting with a transgender student and their parent/guardian upon the student’s enrollment in the district or in response to a currently enrolled student’s change of gender expression or identity. The goals of the meeting are to:

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

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

Definitions/Terms

- **Gender Expression** is how a person expresses their gender, often through behavior, emotional expression, mannerisms, dress, grooming, interests, and activities.
- **Gender Identity** refers to one’s deeply felt internal sense of being female, or male, or both, or neither, regardless of their gender assigned at birth.
- **Gender Nonconforming** describes a person whose gender expression differs from stereotypical expectations about how they should look or act based on the gender they were assigned at birth. This includes people who identify outside traditional gender categories or identify as both genders, or as gender neutral.
- **Biological Sex/Sex** refers to a person’s internal and external anatomy, chromosomes, and hormones.
- **Transgender** is a general term often used to describe a person whose gender identity and/or expression is different from that traditionally associated with the person’s gender assigned at birth.
- **Transitioning** refers to the process in which a person goes from living and identifying as one gender to living and identifying as another.
Official Records
The District is required to maintain a permanent student record which includes the student’s legal name and the student's gender. 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 http://www.k12.wa.us/cedars/CEDARSDataFormQA.aspx.

To the extent that the District is not legally required to use a student's legal name and biological sex on school records or documents, the District should use the name and gender by which the student identifies. In situations where school employees are required by law to use or report a student's legal name or gender, such as for standardized testing, school staff should adopt practices to avoid the inadvertent disclosure of the student’s transgender or gender nonconforming status.

Confidential Health or Educational Information
Information about a student's gender status, legal name, or gender assigned 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). Therefore, to ensure the safety and well-being of the student, school employees should not disclose a student's transgender or gender nonconforming status to others, including the student's parents and/or other school personnel, unless the school is (1) legally required to do so or (2) the student has authorized such disclosure.

Communication and Use of Names and Pronouns
An appropriate school employee will privately ask known transgender or gender nonconforming students how they would like to be addressed in class, in correspondence to the home, and at conferences with the student’s parent/guardian. That information will be included in the electronic student record system along with the student’s legal name in order to inform teachers and staff of the name and pronoun by which to address the
student. 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 nonconforming 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. When communicating with parents of transgender or gender nonconforming students, school employees will refrain from the use of gender pronouns and refer to the student by name whenever practicable. The district will not condone the intentional and persistent refusal to respect a student’s gender identity, or inappropriate release of information regarding a student’s transgender status.

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 his or her gender identity. If any student is uncomfortable with using a school restroom for any reason the administrator will work with the student and the parent/guardian, when appropriate, to develop a plan that will work for the student.

Locker Room Accessibility
Use of locker rooms by transgender or gender nonconforming students will be assessed on a case-by-case basis, with the goal of maximizing transgender or gender nonconforming student social integration, providing an equal opportunity to participate in physical education classes and athletic opportunities and ensuring the student’s safety. 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 include, but are not limited to:

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

Any alternative to locker room conditions will be provided in a manner that allows the student to keep his or her transgender or gender nonconforming status private. No student, however, will be required to use a locker room that conflicts with his or her gender identity.
**Sports and Physical Education Classes**
The District will provide all students, including transgender students, the opportunity to participate in physical education and athletic programs/opportunities in a manner that is consistent with their gender identity.
A student may seek review of his or her eligibility for participation in interscholastic athletics by working through the Gender Identity Participation procedure set forth by the Washington Interscholastic Activities Association (WIAA).

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

**Other School Activities**
In any school activity or other circumstance involving separation by gender (i.e., class discussions, field 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**
When possible, the District will conduct staff training and ongoing professional development in an effort to build the skills of all staff members to prevent, identify and respond to harassment and discrimination. The content of such professional development should include, but not be limited to:

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

Discrimination and harassment on the basis of sex, sexual orientation, or gender identity or expression are prohibited within the district. It is the responsibility of each school, the District and all staff to ensure that all students, including transgender and gender non-conforming 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 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/or harassment complaints. This includes investigating the incident and taking age and developmentally-appropriate corrective action. Anyone may file a complaint alleging a violation of this policy using the complaint process outlined in the district’s Nondiscrimination Procedure 3210P.
# REPORT OF HARASSMENT or INTIMIDATION or BULLYING FORM

## BASIC INFORMATION

| Name of Student Who Was Harassed, Intimidated or Bullied: | ______________________________ |  |
|---------------------------------------------------------|-------------------------------|
| School Name:                                            | ____________________________ | Grade:_________ |
|                                                         | Principal Name:               | ____________________________ |
|                                                         | Mailing Address:              | ____________________________________________________________________ | |
|                                                         | Parent or Guardian Name:      | ____________________________ | Phone:__________________ |
|                                                         |                               |  |
| Is this form being filled out by the student named above? | ☐Yes ☐No                     |  |
| If No, name of person filling out this form on behalf of the student named above: | ______________________________ |  |
| Relationship of person filling out this form for the student named above: | ______________________________ |  |

## INFORMATION ABOUT THE INCIDENT:

| Check any that describe the incident: | Bullying ☐ | Harassment or Intimidation ☐ | Sexual Harassment ☐ |
|--------------------------------------|------------|-----------------------------|

| Name of individual(s) being reported: | ______________________________ |  |
|                                       |  |

| When and where did the incident happen? |  |
|----------------------------------------|  |
| Date:____________________ | Time of Day:____________ | For about how long: ___minutes ___hours |  |
| Specific Location:____________________ |  |

| What happened? Write a brief summary of the incident: |  |
|---------------------------------------------------|  |
|  |

| Who else might know something about this incident or what happened? |  |
|-----------------------------------------------------------------|  |
| Name(s):_____________________________________________________ |  |

<table>
<thead>
<tr>
<th>Has this incident or something like it ever happened before?</th>
<th>☐Yes ☐No</th>
</tr>
</thead>
<tbody>
<tr>
<td>If yes, when did it happen before? Date:____________________</td>
<td>Location:____________________</td>
</tr>
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</table>

## Verification/Signature: This information is true and accurate.

| Print Name:____________________________________________ Signature:________________________________ Date:______ |
|--------------------------------------------------------|-------------------------------------------------|---------|

For Official Only

- Initial Investigation
  - Completed
  - Initial

- Resolved and/or
  - Single incident

- Unresolved, severe, or persistent

Copies to:  Parent/Guardian ☐  Central Office Compliance Officer ☐
Student Dress

Preserving a beneficial learning environment and assuring the safety and well-being of all students are primary concerns of the Washougal Board of Directors.

Students’ choices in matters of dress should be made in consultation with their parents.

Student dress will only be regulated when, in the judgment of school administrators, there is a reasonable expectation that:

1. A health or safety hazard will be presented by the student's dress or appearance including possible membership in a gang or hate groups;
2. Damage to school property will result from the student's dress; or
3. A material and substantial disruption of the educational process will result from the students' dress or appearance.

For the purpose of this policy, a material and substantial disruption of the educational process may be found to exist when a student's conduct is inconsistent with any part of the educational mission of the school district. Prohibited conduct includes the use of lewd, sexual, drug, tobacco or alcohol-related messages, or gang-related apparel.

The uniforms of nationally recognized youth organizations, and clothing worn in observance of a student’s religion, are not subject to this policy.

The superintendent, or his/her designee, will establish procedures providing guidance to students, parents, and staff regarding appropriate student dress in school or while engaging in extracurricular activities. Such procedures will ensure that any student wearing, carrying, or displaying gang-related apparel, or exhibiting behavior or gestures which symbolize gang membership, or causing and/or participating in activities which intimidate or affect the attendance of another student will be asked, with notice to his or her parents, to make appropriate corrections and be subject to discipline if the corrections are not undertaken.

Cross References: Board Policy 3220
Freedom of Expression

Legal References: RCW 28A.320.140
Schools with Special standards – Dress codes
WAC 392-400-215
Student Rights
392-400-225
School district rules defining misconduct
– Distribution of Rules

Adoption Date: 02.25.86
Washougal School District
Revised: 02.22.11; 06.25.13
Policy 3224, p. 1
Student Dress

The student and parent may determine the student's personal dress and grooming standards, provided that the student's dress and grooming does not:

A. Lead school officials to reasonably believe that such dress or grooming will disrupt, interfere with, disturb, or detract from the school environment or activity and/or educational objectives;
B. Create a health or other hazard to the student's safety or to the safety of others;
C. Create an atmosphere in which a student, staff, or other person's well-being is hindered by undue pressure, behavior, intimidation, overt gesture or threat of violence; or
D. Imply gang membership or affiliation by written communication, marks, drawing, painting, design or emblem upon any school or personal property or one’s person.

The principal, in connection with the sponsor, coach, or other person in charge of an extracurricular activity, may regulate the dress and grooming of students who participate in the activity if the principal reasonably believes that the student's dress or grooming:

A. Creates a hazard to the student's safety or to the safety of others; or
B. Will prevent, interfere with or adversely affect the purpose, direction, or effort required for the activity to achieve its goals.

If the student's dress or grooming is objectionable under these provisions, the principal will request that the student make appropriate corrections. If the student refuses, the principal will notify the parent, if reasonably possible, and request that the parent make the necessary correction. If both the student and parent refuse, the principal will take appropriate disciplinary action. Students may be suspended, if circumstances so warrant. Students who violate provisions of the dress code relating to extracurricular activities may be removed or excluded from the extracurricular activity for such period as the principal may determine. All students will be accorded due process safeguards before any corrective action may be taken.

Students identified as being gang involved, influenced or affiliated will be provided assistance and/or programs which discourage gang involvment or affiliation, enhance self-esteem, encourage interest and participation in school or other positive activities and promote membership in authorized school organizations.
Student Privacy and Searches

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

1. At age eighteen students become legal adults and must approve any disclosure of information about themselves from school records, except directory information if a request for confidentiality has not been filed.

2. Students at age eighteen may also sign releases, authorizations or permission slips to participate in school activities, and may sign themselves out of school and authorize their own absences.

3. Students between sixteen and eighteen who have been granted legal emancipation from their parents or guardians have the same rights as eighteen year old students.

4. Students over fourteen years of age have the right to keep private from everyone any district records indicating that they have been tested or treated for a sexually transmitted disease.

5. Students thirteen years and older have confidentiality rights in records regarding drug, alcohol or mental health treatment. All students have confidentiality rights in family planning or abortion records.

Searches of Students and Personal Property
Personal privacy is a fundamental aspect of individual liberty. All students possess the constitutional right to be secure in their persons, papers, and effects against unreasonable searches and seizures. Staff will take particular care to respect students’ privacy.

School officials have authority to maintain order and discipline in the schools and to protect students from exposure to illegal drugs, weapons, and contraband. The superintendent, the principal, and other staff designated by the superintendent will have the authority to conduct reasonable searches on school property as provided by board policy.

A search is required when there are reasonable grounds to suspect a student has a firearm on school grounds, transportation or at school events.

Prior to conducting a search, school officials will ask that the student consent to be searched by removing all items from pockets or other personal effects. If the student refuses to consent to the search, school officials may proceed to search the student, the student's personal belongings, and the student's locker, as follows:

1. Any search of a student conducted by a school district employee must be reasonably related to the discovery of contraband or other evidence of a student's violation of the law or school rules.

   For the purpose of this policy, “contraband” means items, materials, or substances the possession of which is prohibited by law or district policy, including but not limited to, controlled substances, alcoholic beverages, tobacco products, or any object that can reasonably be considered a firearm or a dangerous weapon; and

2. Staff will 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 infraction.

No student will 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.

The superintendent will develop procedures regulating searches of students and their personal property.

**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 school district. No right or 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 policy.

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 will be subject to search if reasonable grounds exist to suspect that the search will yield evidence of the student's violation of the law or school rules. Any search of an individual student's locker will be conducted according to board policy governing personal searches.

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 according to board policy governing personal searches.

The superintendent will establish procedures for conducting searches of lockers, desks, or storage areas.

Cross References: Board Policy 3231

3245

3414

Student Records

Students and Telecommunication Devices

Infectious Diseases

Legal References: RCW 13.64.060

28A.320.040 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 Student rights
Management Resources:

Policy News, June 1999

School safety bills impact policy
Student Records

The district will 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 will 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.


Student records are the property of the district but will be available in an orderly and timely manner to students and parents. “Parent” includes the state Department of Social and Health Services 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 will be forwarded to other school agencies upon request. A high school student may grant authority to the district which permits prospective employers to review the student’s transcript. Parental or adult student consent will be required before the district may release student records other than to a school agency or organization, except as otherwise provided by law.

A grades report, transcript, or diploma will not be released until a student has made restitution for damages assessed as a result of losing or damaging school materials or equipment. If a student has transferred to another school district that has requested the student’s records, but the student has an outstanding fee or fine, only records pertaining to the student’s academic performance, special placement, immunization history and discipline actions will be sent to the enrolling school. The content of those records will be communicated to the enrolling district within two school days and copies of the records will be sent as soon as possible. The official transcript will not be released until the outstanding fee or fine is discharged. The enrolling school will be notified that the official transcript is being withheld due to an unpaid fee or fine.

The superintendent will establish procedures governing the content, management and control of student records.

Cross References:  
Policy 2100  
Policy 3520  
Policy 3211  
Policy 4020  
Policy 4040  

Legal References:  
20 U.S.C. § 1232g  
CFR 34 , Part 99  

Policy 3231, p. 1 of 2
RCW 28A.225.330 Enrolling students from other districts — Requests for information and permanent records — Withheld transcripts — Immunity from liability — Notification to teachers and security personnel — Rules

RCW 28A.230.120 High school diplomas — Issuance — Option to receive final transcripts — Notice

RCW 28A.230.180 Educational and career opportunities in the military, student access to information on, when

RCW 28A.635.060 Defacing or injuring school property — Liability of pupil, parent or guardian — Withholding grades, diploma, or transcripts — Suspension and restitution — Voluntary work program as alternative — Rights protected

40.24.030 Address Confidentiality Program — Application — Certification

Chapter 70.02 RCW Medical records — health care information access and disclosure

WAC 181-87-093 Failure to assure the transfer of student record information or student records

Chapter 246-105 WAC Immunization of child care and school children against certain vaccine-preventable diseases

Chapter 392-415-WAC Secondary Education- standardized high school transcript

WAC 392-500-025 Pupil tests and records — Tests— School district policy in writing

Management Resources:
Policy & Legal News, February 2013
Policy News, February 2010
Policy News, December 2003
Policy News, April 2001

Adoption Date: 02.25.86
Washougal School District
Revised: 09.27.94; 02.14.95; 03.27.95; 02.22.11; 06.25.13; 01.28.14

Policy 3231, p. 2 of 2
Student Records

Student records will be managed by the district records custodian in the following manner:

Type of Records

Student records will be divided into two categories: the cumulative folder and supplementary records.

A. Cumulative folder

The cumulative folder 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, including 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 as 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.

B. Supplementary records

Supplementary records about a student 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 nonschool 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 will be dated and signed.

For the purpose of this procedure, working notes of staff are defined as those records about students which 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 within the purview of this procedure.

Accessibility of Student Records

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

A. Parents

Parents of dependent children have the right to inspect the cumulative folder and/or supplementary records of their children.

1. The parent will be provided analysis and interpretation by qualified staff of all information in the cumulative folder and supplementary records. This action may be initiated by the parent or a staff member. The review will occur within five school business days after a request is received unless a written explanation for the failure to do so is supplied by the custodian of records. In no case will the review occur later than 45 days after the request is made.

2. Inspection and review will be conducted during normal working hours, unless the custodian (teacher, counselor, nurse, psychologist, principal) consents to other arrangements. Custodians will 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.

B. The Student

Information from the cumulative folder will be interpreted to the student upon his/her request. Information contained in supplementary records will be interpreted to the student upon his/her request and with the consent of the parent. The adult student may inspect his/her cumulative folder and supplementary records. The right of access granted the parent or adult 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 adult student will 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 will 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 adult students will 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: (describe your notice here – Web site, school calendar, etc.)

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records. They are:

1. 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.

2. 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 may ask the district to amend a record that they believe is inaccurate or misleading. They 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.

3. Parents or eligible students have a right to inspect or review information including when the student is a dependent under IRS tax code, when the student has violated a law or the school rules regarding alcohol or substance abuse (and the student is under 21), and when the information is needed to protect the health or safety of the student or other individuals.

4. 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 are: disclosure 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 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.

Upon request, the district discloses educational records without consent to officials of another school district in which a student seeks or intends to enroll.

5. 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

C. Staff

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

D. Other Districts

   Other districts will be provided with records upon official request from the district, unless the student has an outstanding fee or fine. In those instances the enrolling school will be provided with the student’s academic, special placement, immunization history and discipline records within two school days, but the official transcript will be withheld until the fee or fine is discharged. The enrolling school district will be notified that the transcript is being withheld due to an outstanding fee or fine. At the time of transfer of the records, the parent or adult student may receive a copy of the records at his/her expense if requested and will have an opportunity to challenge the contents of the records. Parents will 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.

E. Other Persons and Organizations

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

   1. Directory information may be released publicly without consent upon the condition that the parent or adult 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 will 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, 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. The actual 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 is not considered directory information.

2. 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.

3. Information may be released to state and local officials to whom such information is specifically required to be reported or disclosed pursuant to Washington state statute (examples: reporting child abuse or referrals to juvenile court for truancy).

4. 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 will be destroyed when no longer needed for the purpose for which it has been gathered.

5. 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 adult student in advance of such compliance unless such notice is not allowed by the order or subpoena.

6. 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 these procedures. A record will be made of any such release of information and placed in the student’s cumulative folder. 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.

7. A high school adult student and/or parent/legal guardian may grant authority to the district permitting prospective employers to review the student’s transcript.

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 Ch. 70.02 has been obtained. Such records are also covered by the Family Education Rights and Privacy Act, 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.
Challenges and Hearings
At the time of inspection and review the parent or adult student granted access to records may challenge the appropriateness and accuracy of any record directly related to the student and may demand correction or deletion. Custodians (teacher, counselor, nurse, 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 adult student may request an informal hearing before the superintendent, which hearing will be held within 10 school days of the receipt of such request. During the hearing the superintendent will review the facts as presented by the parent or adult student and the custodian and decide whether or not to order the demanded correction or deletion. The superintendent will send his/her written decision to the parent or adult student within 10 school days of the hearing.

Upon denial of correction or deletion by the superintendent, the parent or adult student may request in writing a hearing before the board, which hearing will be conducted at its next regular meeting. During such hearing, which will be closed to the public, the board will review the facts as presented by the parent or adult student and senior custodian and decide whether or not to order the demanded correction or deletion. The board will send its written decision to the parent or adult student within 10 school days of the hearing.

Parents or adult 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 will be the custodian of the cumulative folder. The principal or the student’s counselor will 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:
A. Maintain only those records authorized by these procedures;
B. Safeguard student records from unauthorized use and disposition;
C. Maintain access records;
D. Honor access requests for parent or adult student;
E. Delete or correct records upon approval of the senior custodian or upon order of the superintendent or the board; and
F. Follow the records review schedule and procedures established by the senior custodian.

Senior custodians may assume the duties of custodians and will:
A. Request student records from other schools;
B. Maintain security of student records;
C. Transfer, destroy and expunge records as permitted;
D. Supervise activities of their custodians;
E. Conduct informal hearings and grant or deny approval of corrections or deletions requested by parents or adult students;
F. Establish records review schedules and procedures for their respective schools or departments in accordance with procedures governing records disposition. (Psychological test scores will be reviewed annually to determine their relevance to the continuing educational needs of the student.)
G. 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

H. Certify to the district records custodian by June 30 of each year the following:
   1. Only records pertinent to educational program placement are being maintained, unless otherwise authorized by law; and
   2. Required reviews have been accomplished.

The district records custodian will provide overall supervision of student records management and control and will enforce the student records policy and the administrative procedures.

The district will use an array of 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 will serve as the record of the student’s school history and academic achievement. Permanent records filed in the student’s cumulative folder are to be extracted and retained before disposition of the folder.

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 will be transmitted to the other school. When a student transfers to a school outside of the district, the senior custodian will purge the cumulative folder of all nonofficial, extraneous information. A copy of all records will be sent to the requesting school, unless the student has an outstanding fee or fine. In those instances the enrolling school will be provided with information regarding the student’s academic, special placement, immunization history and discipline records within two school days, and the records will be sent as soon as possible. The official transcript will be withheld until the fee or fine is discharged. The enrolling school district will be notified that the transcript is being withheld due to an outstanding fee or fine. The cumulative folder for an elementary or middle school student who leaves the district will be maintained for two years after discontinuance of enrollment in the district.

Cumulative folders and supplementary records of high school students will be retained according 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 or adult student will be informed that record information regarding the disabling condition is no longer needed.

When informing the parent or adult student about his/her rights regarding such records, the district will advise the parent or adult student that the information may be needed by the student or the parent to establish eligibility for certain adult benefits, e.g., social security. At the parent’s or adult student’s request, the record information relating to the disabling condition will be destroyed.

A parent or adult 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 that contained in the previous section (Disposition of Student Records), the senior custodian will bundle all records and send them to the district office. Each bundle will be plainly marked: “Student Records--for Destruction,” dated and signed by the senior custodian. A summary sheet will be completed and retained in the office. The sheet will 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 will 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 all of the laws and regulations governing the retention disclosure, destruction and archiving of public records. The district will manage electronic records according to the same provisions as paper documents as set forth in the records retention schedules. Electronic records will be retained in electronic format and remain usable, searchable, retrievable and authentic for the length of the designated retention period. The district will retain electronic records designated as archival in the original format along with the hardware and software required to read the data, unless the data has been successfully migrated to a new system. (The district will retain records in compliance with the General Records Retention Schedule for School Districts and Educational Service Districts in Washington State found at: www.sos.wa.gov/archives/recordsretentionschedules.aspx.)

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 electronically for the remainder of the retention period.
Student Conduct Expectations and Reasonable Sanctions

The board acknowledges that conduct and behavior is closely associated with learning. An effective instructional program requires a wholesome and orderly school environment. The board requires that each student adhere to the rules of conduct and submit to corrective action taken as a result of conduct violations. The rules of conduct are applicable during the school day as well as during any school activity conducted on or off campus. Special rules are also applicable while riding on a school bus.

Students are expected to:

1. Respect the rights, person and property of others;
2. Pursue the required course of study;
3. Preserve the degree of order necessary for a positive climate for learning; and
4. Comply with district rules and regulations;
5. Submit to the authority of staff and reasonable discipline imposed by school employees and respond accordingly.

The superintendent will develop written rules of conduct which will carry out the intent of the board and establish procedures necessary to implement this policy.

Cross References: Policy 3241 Classroom Management, Corrective Actions or Punishment

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Policy No. 3240
Students

20 U.S.C. 7101 et seq. Safe and Drug-Free Schools and Communities Act

ESSB 5946 (New sections added to Chapter 28A.600)

Management Resources:

Policy & Legal News, September 2013

Adoption Date: 02.25.86
Washougal School District
Revised: 02.14.95; 07.22.08; 02.22.11; 06.25.13; 06.24.14

Policy 3240, p. 2 of 2
Student Conduct Expectations and Reasonable Sanctions

Student Conduct Expectations
As authorized by chapter 28A.600 RCW, the following procedure sets forth rights and conduct expectations for students, along with the sanctions that may be imposed for violations of such expectations. At all times, this procedure will be read consistent with federal statutes and regulations, state statutes, common law, and rules promulgated by the Washington Office of the Superintendent of Public Instruction.

Respect for the Law and the Rights of Others
The student is responsible as a citizen to observe the laws of the United States, the state of Washington, and local ordinances and laws. The student will respect the rights of others while in school, on school property, at all school activities, on district provided transportation or otherwise under school authority.

Compliance with Rules
All students will obey the written rules and regulations established for the orderly operation of the district and the reasonable requests, instructions, and directives of district personnel. For purposes of Policy 3240 and this procedure, the term “district personnel” includes all adults, including contractors and volunteers, authorized to supervise student activities. Failure to do so will be cause for disciplinary action. All students will submit to reasonable discipline by the school district and its representatives for violations of policies, regulations and rules.

Student Rights
In addition to individual rights established by law and district policies, students served by or on behalf of the district will have the right to:

- High educational standards in a safe and sanitary building;
- Education consistent with stated district goals;
- Equal educational opportunity and in all aspects of the educational process freedom from discrimination based on economic status, pregnancy, marital status, sex, race, creed, religion, color, national origin, age, honorably discharged veteran or military status, sexual orientation including gender expression or identity, the presence of any sensory, mental or physical disability, or the use of trained dog guide or service animal by a person with a disability;
- Access to their own education records at reasonable school times upon request;
- Fair and just treatment from school authorities and freedom from mistreatment and physical abuse;
- Freedom from unlawful interference in their pursuit of an education while in the custody of the district;
- Security against unreasonable searches and seizures;
- The substantive constitutional rights listed in WAC 392-400-215, subject to reasonable limitations upon the time, place, and manner of exercising such rights consistent with the maintenance of an orderly and efficient educational process within limitations set by law, including the right to:
  - freedom of speech and press;
  - peaceably assemble;
• petition the government and its representatives for a redress of grievances;
• the free exercise of religion and to have their schools free from sectarian control or influence.

• Establish appropriate channels to voice their opinions in the development of curriculum;
• Representation on advisory committees affecting students and student rights;
• Present petitions, complaints, or grievances to school authorities and the right to replies;
• Consult with teachers, counselors, administrators and other school personnel at reasonable times;
• Be involved in school activities, provided they meet the reasonable qualifications of the sponsoring organization;
• Free election of their peers in student government and the right to hold office;
• Know the requirements of the course of study, be informed about and know upon what basis grades will be determined;
• Citizenship privileges as determined by the United States and Washington State Constitution and its amendments; and,
• Annual information pertaining to the district's rules and regulations regarding students, discipline and rights.

Scope of District Authority
Students who involve themselves in acts that have a detrimental effect on the maintenance and operation of the school or the school district; criminal acts; and/or violations of school rules and regulations, are subject to disciplinary action by the school and prosecution under the law.

The rules will be enforced by school officials:
• On school grounds during and immediately before or immediately after school hours;
• On school grounds at any other time when school is being used by a school group(s) or for a school activity;
• Off school grounds at a school activity, function, or event;
• Off the school grounds if the actions of the student materially or substantially affects or interferes with the educational process; or,
• In school-provided transportation, or any other place while under the authority of school personnel.

Disruptive Conduct
A student will not intentionally cause substantial and/or material disruption of any school operations. The following illustrate the kinds of offenses that are prohibited:
• Intentionally obstructing normal pedestrian or vehicular traffic on a school campus;
• Intentionally obstructing the entrance or exit of any school building or room in order to deprive others of passing through;
• Causing a disturbance or disruption on school grounds, at school activities, or on district-provided transportation, including substantially interfering with any class or activity;
• Cheating or disclosure of exams;
• Defiance of school personnel by:
  • disobedience of reasonable requests, instruction, and directives of school personnel;
  • refusal to leave an area when instructed to do so by school personnel;
  • refusing a reasonable request to identify oneself to district personnel (including law enforcement officers) while under the supervision of the school; and
  • refusal to cease prohibited behavior;
• Disruptive and/or dangerous use of motor vehicles or conduct on a school bus that endangers students;
• Extortion, theft, forgery;
• Fighting: Fighting and instigating, promoting, or escalating a fight, as well as failure to disperse. Engaging in any form of fighting where blows are exchanged is prohibited, regardless of who initiated the fight. This prohibition includes hitting, slapping, pulling hair, biting, kicking, and scratching or any other acts in which a student intentionally inflicts or attempts to inflict injury on another;
• Gambling or encouraging other students to gamble;
• Gang-related behavior, association, and/or affiliation;
• Harassment of others (see Policy 3207);
• Inappropriate dress or appearance (see Policy 3224);
• Trespassing on school property or school transportation at a time or place the student’s presence is not permitted;
• Unacceptable uses of technology (see Policy 2022 and Procedure 2022-P)
• Occupying a school building or school grounds in order to deprive others of its use;
• Preventing students from attending class or school activities;
• Use or possession of tobacco;
• Using any object in a dangerous manner;
• Intentionally defacing or destroying the property of another.

**Exceptional Misconduct**

Exceptional misconduct is a violation of rules so serious in nature and/or so disruptive as to warrant an immediate short-term or long-term suspension, or expulsion. Exceptional misconduct includes the following:

• Arson;
• Assault, if the assault involves:
  • injury to another;
  • bodily fluids; or
  • a weapon;
• Commission of any crime on school grounds, or the commission of a crime or other dangerous conduct anywhere that indicates the student’s presence on school grounds poses a danger to other students or staff;

• Cumulative violations;

• Causing intentional, substantial damage or destruction to school property or the property of another on school grounds or at school activities;

• Dangerous use of motor vehicles on school grounds or at school activities, or endangering students on a school bus;

• Disruption of the school program by bomb scares, false fire alarms, firecrackers, etc.;

• Extortion;

• Fighting: Fighting and instigating, promoting, or escalating a fight, as well as failure to disperse. Engaging in any form of fighting where physical blows are exchanged is prohibited, regardless of who initiated the fight. This prohibition includes hitting, slapping, pulling hair, biting, kicking, choking, and scratching or any other acts in which a student intentionally inflicts or attempts to inflict injury on another;

• Harassment/intimidation/bullying of others;

• Electronic Bullying (“Cyberbullying” is the use of communication tools, websites, social media, cell phones, or other electronic devices to bully, harass, intimidate, or harm other people, including written, verbal or text messages; images; discussions; chat conversations; or instant messages.);

• Knowingly possessing stolen property;

• Possession, use, sale, or delivery of illegal or controlled chemical substances, including marijuana or substances containing marijuana and alcoholic beverages, as well as possession of items reasonably determined to be drug paraphernalia as used or possessed;

• Presence on school property or at a school activity following the consumption or use elsewhere of an alcoholic beverage or a controlled substance, including marijuana;

• Sexual misconduct on school grounds, at school activities, or on school provided transportation;

• Theft on school grounds, at school activities, on school provided transportation, or of school property at any time;

• Threats of violence to other students or staff

• Use or possession of dangerous weapons, including firearms, airguns, knives, nun-chu-ka sticks, throwing stars, stun guns, explosives and other weapons prohibited by state law and Policy 4210.

**Guidelines for Sanctions**

Chapter 392-400 WAC contains the following restrictions for suspensions:

• Kindergarten through grade four - No student in grades kindergarten through four shall be subject to short-term suspensions for more than a total of ten school days during any single semester or trimester as the case may be, and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.
• Grades five and above program - No student in grade five and above program shall be subjected to short-term suspension for more than a total of fifteen school days during any single semester or ten school days during any single trimester, as the case may be.

In all cases where sanctions are imposed, a reasonable effort to contact parents or guardians will occur prior to, or contemporaneous with, the imposition of the sanction, in addition to any written notice required by law. When a school administrator determines that there is an immediate and continuing threat to the student or school staff, or an immediate and continuing threat of substantial disruption of the educational process, immediate emergency removal or emergency expulsion may be appropriate.

In conjunction with the following sanction guidelines, administrators may also consider any alternative form of corrective action—including programs intended to lessen the time of exclusion from class attendance—which has been approved by the Superintendent. The district encourages the use of alternative forms of correction action when possible and practicable in light of the duty to maintain safe and orderly school environments conducive to student learning.

In addition to school sanctions, administrators should determine whether restitution for damage or injury should be considered.

**Implementing Disciplinary Action Guidelines**

School administrators are expected to use their professional judgment and experience when assigning students sanctions and will, to the best of their abilities, attempt to apply these sanctions to all similarly-situated students in a fair and equitable manner. The administrator’s judgment and discretion will carefully balance the duty to maintain order and discipline in a safe school environment, the appropriate corrective action needed to address the student’s misconduct, and the student’s long-term educational success.

The sanctions listed on the Disciplinary Action Guidelines chart do not prohibit administrators from considering approved alternatives to out-of-school suspension or expulsion, including in-school suspension. The standard range for each offense does not prohibit a school administrator from exceeding the range, up to and including expulsion, if sufficient aggravating factors warrant such corrective action or if the threat of danger or substantial disruption supports an emergency expulsion under WAC 392-400-295.

**OFFENSE DEFINITIONS**

**ARSON**

For purposes of school discipline, “arson” means any intentional or reckless setting of a fire or other burning of personal or public property. “Reckless” means that the student understood, but acted with disregard for, the consequences of his or her conduct.

**ASSAULT**

For purposes of school discipline, “assault” means actual or attempted hitting, striking or other wrongful physical contact inflicted on another either directly or indirectly through an object. For verbal threats, see Harassment, Intimidation, and Bullying.

**DEFIANCE OF SCHOOL AUTHORITY AND DRESS CODE VIOLATION**

Refusal to obey reasonable requests, instructions, and directives of any school personnel, including volunteers or contractors working for the school. Defiance includes dress or
appearance in violation of Policy 3224 that the student either refuses to correct at the directive of a school administrator, or that is a persistent and repeated violation of Policy 3224. Defiance of school authority can also include intentional disruptive behavior.

**DRUGS/ALCOHOL AND OTHER PROHIBITED CHEMICAL SUBSTANCES**

The possession, consumption, use, storage, or distribution of drugs, alcohol, and other similar chemical substances on school grounds, at school activities, or on district-provided transportation is prohibited. For purposes of student conduct expectations:

- This section applies to any controlled substance, medication, stimulant, depressant, or mood altering compound, including simulated compounds intended to produce intoxication or euphoria, whether or not such compounds have been designated a controlled substance by state or federal law;
- This section applies to marijuana or substances containing marijuana;
- This section applies to legally-prescribed drugs which a student is nevertheless not lawfully authorized to possess on school grounds, at school activities, or on district-provided transportation;
- This section applies to students who enter school grounds, school activities, or district-provided transportation following the unlawful use or consumption of drugs, alcohol, and other similar chemical substances, including students who appear to be under the influence of such substances; and
- This section applies equally to the possession or use of paraphernalia or other items used to possess, consume, store, or distribute drugs, alcohol, and/or other illegal chemical substances, including marijuana or substances containing marijuana.

Generally, a suspension for possession, use, or consumption should not exceed ten (10) days, and a suspension for distribution should not exceed twenty (20) days. A suspension for secondary students in either case should not fall below three (3) days.

An expulsion may be imposed for such conduct when sufficient aggravating circumstances are present and in consultation with the superintendent or the superintendent’s designee. Emergency expulsion may be imposed when the student’s conduct meets the requirements of WAC 392-400-295.

An administrator may draw up a contract with a student serving a suspension, and a maximum of fifty percent (50%) of the suspension may be held in abeyance when the student successfully complies with the terms and conditions of the contract.

In all cases in which a student possesses or is distributing on school grounds, at school activities, or on district-provided transportation a substance prohibited under this section that is also a violation of the law, a report will be made by school officials to law enforcement.

**FIGHTING OR FIGHTING INVOLVEMENT**

Includes instigating, promoting (including promotion by presence as a spectator), and escalating a fight, as well as the failure to disperse at the scene of a fight.

**REASONABLE SELF-DEFENSE:**

It is expected that a student must always first retreat from any threat of harm and/or contact an adult staff member for assistance before engaging in any type of physical
response to an assault. However, an administrator may decide not to subject a student to discipline if, following a reasonable investigation, the administrator determines that all of the following are true:

- a student who is being assaulted or witnesses another student being assaulted acts only in a manner that is defensive and protective of himself/herself or others;
- the student is acting in a manner that a building administrator determines is reasonable and necessary in light of the circumstances; and
- the student did not instigate, provoke, or promote the violence by his or her words or conduct immediately prior to the assault.

A reasonable physical response to an assault may include holding the assailant’s hands or arms to prevent the assault, or pulling two fighting students apart and holding them until adult staff can arrive and intervene.

GANG CONDUCT
For school discipline purposes includes:

- the creation, display, or communication of gestures, language, imagery, or symbols as defined below commonly associated with gang culture;
- the promotion of gang culture and/or gang violence, and/or;
- the solicitation or recruitment of gang members.

Gang imagery and symbols include, but are not limited to:

- apparel (including shoelaces, bandanas, belts, or hats) which by virtue of color, arrangement, trademark, symbol, or any other attributes indicate or imply gang membership or affiliation
- displays of gang affiliation on personal belongings including clothing, school assignments, notebooks, body, etc.

HARASSMENT, SEXUAL HARASSMENT, INTIMIDATION OR BULLYING
For school discipline purposes, harassment, sexual harassment, intimidation or bullying can occur at two different levels:

- Class 2 Offense: A single, or very infrequent, act by one student towards another that is not intended to hurt, threaten or intimidate or if intended is corrected and extinguished through the intervention and/or discipline imposed by a staff member or administrator. A Class 2 offense can also be defined by the actions of two or more students that go back and forth, better defined as a conflict that includes statements that constitute harassment, bullying or intimidation. Class 2 bullying, harassment and intimidation offenses are extinguished by the action taken to correct them and do not, or rarely, occur again in the future.
- Class 3 Offense: Persistent, intentional, ongoing and severe in nature and/or continuing to occur.
- Harassment, sexual harassment, intimidation and bullying include:
  - intentionally hurtful, threatening, or intimidating verbal and/or physical conduct in violation of district Policy 3207 and procedure 3207-P;
  - unsolicited or unwelcome verbal or physical conduct that is harassing or intimidating that can be of a sexual, religious, racial or ethnic nature, or based on disability;
o a threat to cause bodily injury, property damage, or to cause the physical
confinement or restraint of the person threatened, or any other act causing
substantial harm to the physical or mental health of the person threatened.

LEWD, OBSCENE, OR PROFANE LANGUAGE, GESTURES OR MATERIALS
For purposes of school discipline, this includes, but is not limited to, lewd, obscene or profane
language, gestures or materials that are unrelated to authorized school curriculum. Prohibited
“materials” includes digital or electronic text, images, or sounds that are possessed, displayed, or
transmitted while under the supervision of school authorities.

Any conduct under this section that could constitute a criminal act will be reported to law
enforcement. Any conduct under this section that involves the use of district resources or
equipment may result in the loss or restriction of a student’s use of district systems, resources, or
equipment.

THEFT/STEALING
Possession of another person's or district property, regardless of value, without the person's
permission with the intent to deprive the owner of such property. As part of the sanction,
restitution will usually be required.

Note: Under RCW 28A.635.060 (1), the school district may withhold the grades, diploma, and
transcripts of a pupil responsible for intentional damage or loss to the property of the district, a
contractor of the district, an employee, or another student until the pupil or the pupil’s parent or
guardian has paid for the damages. If a student has been suspended or expelled, the student may
not be readmitted until the student or parents or legal guardian has made payment in full, or until
the superintendent directs otherwise. If the property damaged is a school bus owned and
operated by the district, a student suspended for the damage may not be permitted to enter or ride
any school bus until the student or parent or legal guardian has made payment in full or until
directed otherwise by the superintendent.

When the pupil and parent or guardian are unable to pay for the damages, the school district will
provide a program of voluntary work for the pupil in lieu of the payment of monetary damages.
Upon completion of the voluntary work the grades, diploma, and transcripts of the pupil shall be
released. The parent or guardian of the pupil is liable for damages as otherwise provided by
Washington state law.

TOBACCO/NICOTINE PRODUCTS - USE OR POSSESSION
Students may not participate in smoking, use of tobacco products or products containing
nicotine, or possess tobacco products on the school premises or at school-sponsored functions.
Tobacco products and delivery devices are defined in Policy 4215.

VANDALISM, DEFACING OR DESTRUCTION OF PROPERTY
For school discipline purposes, means the unauthorized, intentional damage to district property
or the property of others (other than arson, above).

Note: Under RCW 28A.635.060 (1), the school district may withhold the grades, diploma, and
transcripts of a pupil responsible for intentional damage or loss to the property of the district, a
contractor of the district, an employee, or another student until the pupil or the pupil’s parent or
guardian has paid for the damages. If a student has been suspended or expelled, the student may
not be readmitted until the student or parents or legal guardian has made payment in full, or until
the superintendent directs otherwise. If the property damaged is a school bus owned and
operated by the district, a student suspended for the damage may not be permitted to enter or ride
any school bus until the student or parent or legal guardian has made payment in full or until
directed otherwise by the superintendent.

When the pupil and parent or guardian are unable to pay for the damages, the school district will
provide a program of voluntary work for the pupil in lieu of the payment of monetary damages.
Upon completion of the voluntary work the grades, diploma, and transcripts of the pupil shall be
released. The parent or guardian of the pupil is liable for damages as otherwise provided by
Washington state law.

WEAPONS
This section addresses the possession or use of actual weapons in violation of district Policy
4210, including firearms, dangerous weapons, and other items listed within that policy. This
includes when a student acts with malice as defined under RCW 9A.04.110 and displays a device
that appears to be a firearm. Objects and conduct that fall outside of Policy 4210 should be
addressed under other sections, as appropriate.

Any student who is determined to have carried a firearm or to have possessed a firearm on
school premises, school-provided transportation, or school sponsored activities at any facility
shall be expelled from school for not less than one year (12 months) under RCW 28A.600.420,
with notification to parents and law enforcement. The district superintendent or the
superintendent’s designee is authorized to modify the expulsion of a student on a case-by-case
basis.

The school district may also suspend or expel a student for up to one year if the student acts with
malice as defined under RCW 9A.04.110 and displays a device that appears to be a firearm.

Expulsion may result based upon the administrator's judgment of the seriousness of the act or
circumstances surrounding the act, and/or the previous record of the student.
**Washougal School District**  
**DISCIPLINARY ACTION GUIDELINES**  

The level of consequence to be imposed will take into consideration the severity of the offense, the age and past disciplinary record, attendance, and academic history of the student. School officials may grant exceptions to the guidelines below in cases involving extenuating circumstances.

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<td>• Eating or drinking</td>
<td>Harassment – resolved and/or single incident</td>
<td>Possession/use of tobacco or nicotine products</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Throwing items</td>
<td>Sexual Harassment – resolved and/or single incident</td>
<td>Vandalism; defacing or destruction of property</td>
<td></td>
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<tr>
<td></td>
<td>• Loud, screaming</td>
<td>Intimidation – resolved and/or single incident</td>
<td>Bullying – intentional, ongoing, persistent, and/or severe</td>
<td></td>
</tr>
</tbody>
</table>

**Definitions:**  
- **Discipline:** any form of corrective action other than suspension or expulsion. Examples include: Warning, conference, referral, detention, Saturday school, loss of privileges, school service.
- **Short Term Suspension:** Denial of attendance for more than a period or subject up to and not exceeding ten consecutive days. Students in grades K-4 will not be suspended for more than 10 school days in a semester/trimester. Students in grades 5-12 will not be suspended for more than 15 school days during any single trimester.
- **Long Term Suspension:** Denial of attendance for more than ten consecutive school days.
- **Expulsion:** Denial of attendance at any single subject or class or at any full schedule of subjects or classes for an indefinite period of time.
Prohibition of Corporal Punishment

Corporal punishment is any act which willfully inflicts or willfully causes the infliction of physical pain on a student, and is not permitted.

Corporal punishment does not include:

1. The use of reasonable physical force by an administrator, teacher, other school employee or volunteer as necessary to maintain order to prevent a student from harming him/herself, other students, school staff and other persons, or property;

2. Physical pain or discomfort resulting from or caused by training for or participating in athletic competition or recreational activity voluntarily engaged in by a student;

3. Physical exertion shared by all students in a teacher-directed class activity, which may include, but is not limited to, physical education exercises, field trips or vocational education projects; or

4. Physical restraint or the use of aversive therapy as part of a behavior management program in a student's individual education program which has been signed by the parent and is carried out according to district procedures.

Cross Reference: Board Policy 3241 Classroom Management, Corrective Actions or Punishment

Legal References: RCW 28A.150.300 Corporal punishment prohibited — Adoption of policy
WAC 392-172A-03130 Aversive interventions — Other forms-Conditions
WAC 392-400-235 Discipline — Conditions and limitations

Adoption Date: 02.25.86
Washougal School District
Revised: 02.09.88; 01.11.94; 02.22.11; 06.25.13
Policy 3244, p. 1
Students and Telecommunication Devices

Students in possession of telecommunications devices, including, but not limited to, pagers, beepers and cellular phones, while on school property or while attending school-sponsored or school-related activities will observe the following conditions:

1. Telecommunication devices will be turned on and operated only before and after the regular school day and during the student’s lunch break, unless an emergency situation exists that involves imminent physical danger or a school administrator authorizes the student to use the device;

2. Students will not use telecommunication devices in a manner that poses a threat to academic integrity, disrupts the learning environment or violates the privacy rights of others;

3. Students will not send, share, view or possess pictures, text messages, emails or other material depicting sexually explicit conduct, as defined in RCW 9.68A.011, in electronic or any other form on a cell phone or other electronic device, while the student is on school grounds, at school sponsored events or on school buses or vehicles provided by the district;

4. When a school official has reasonable suspicion, based on objective and articulable facts, that a student is using a telecommunications device in a manner that violates the law or school rules, the official may confiscate the device, which will only be returned to the student’s parent or legal guardian;

5. By bringing a cell phone or other electronic devices to school or school-sponsored events, the student and their parent/guardian consent to the search of the device when school officials have a reasonable suspicion, based on objective and articulable facts, that such a search will reveal a violation of the law or school rules. The scope of the search will be limited to the violation of which the student is accused. Content or images that violate state or federal laws will be referred to law enforcement;

6. Students are responsible for devices they bring to school. The district will not be responsible for loss, theft or destruction of devices brought onto school property or to school sponsored events;

7. Students will comply with any additional rules developed by the school concerning the appropriate use of telecommunication or other electronic devices; and

8. Students who violate this policy will be subject to disciplinary action, including suspension or expulsion.

Cross References: Board Policy 2022 Electronic Resources
3207 Prohibition of Harassment, Intimidation and Bullying
3241 Classroom Management, Corrective Actions or Punishment
4310 Relations with Law Enforcement Agencies, Child Protective Agencies and County Health Officials

Management Resources:
Policy News, October 2010 Students and Telecommunication Devices Revisited
Policy News, June 2010 Students and Sexting
Policy News, February 2004 Evolution of Cell Phone Use

Adoption Date: 03.22.11
Washougal School District
Revised: 06.25.13

Policy 3245, p. 1
Students and Telecommunication Devices

Definitions:

A. **Sexting** means sending, forwarding, displaying, retaining, storing or posting sexually explicit, lewd, indecent or pornographic photographs, images or messages by or on a cell phone, computer or other electronic means during school hours or school activities on or off campus; while on school district property, during any recess, lunch or leave periods on or off school district property; or beyond the hours of school operation if the behavior detrimentally affects the personal safety or well-being of school-related individuals, the governance, climate or efficient operation of the school; or the educational process or experience.

B. **Disrupting the Learning Environment** means any intentional gesture, any intentional electronic communication or any intentional written, verbal or physical act or statement initiated, occurring, transmitted or received by a student at school that a reasonable person under the circumstance should know will have the effect of:
   1. Insulting, mocking or demeaning a student or group of students causing substantial disruption in, or substantial interference with, the orderly operation of the school; or
   2. Creating an intimidating, threatening, hostile or abusive educational environment for a student or group of students through substantially severe, persistent or pervasive behavior.

C. **Third parties** include, but are not limited to, coaches, school volunteers, parents or guardians, school visitors, service contractors or others engaged in district business or activities that are not directly subject to District control at inter-district and intra-district athletic competitions or other school events.

Reporting Violations:
Any student, employee, parent or guardian or third party who has knowledge of conduct in violation of this policy or any student who feels he/she has been a victim of sexting, menacing, retaliation or reprisal in violation of this policy will immediately report the concerns to:

A. The building principal or his/her designee;

B. A teacher who will be responsible for notifying the building principal or designee immediately if the matter cannot be adequately addressed by the teacher, or warrants administrative intervention;

C. A counselor, who is responsible for notifying the building principal or designee immediately if the matter cannot be addressed by the counselor or is sufficiently serious to warrant administrative intervention; or

D. The superintendent of schools or designee.

Investigating:
The principal or designee will be responsible for timely investigating a complaint made under this policy. The investigation, witness statements and evidence will be documented along with the outcome of the investigation.

In the course of the investigation, administrative staff will not send, receive or unnecessarily view or transmit sexting photographs or any other inappropriate images on either the district’s or their personal electronic devices. The examination or viewing of the evidence/information will be limited to the extent necessary to determine that misconduct occurred.
**Parent or Guardian Notification:**
Parents or guardians of all students identified in the report will be notified of the investigation and informed of their students’ involvement in the incident.

**Discipline:**
Students whose behavior violates this policy will be subject to discipline up to and including expulsion. Law enforcement will also be notified when conduct may violate criminal laws.

In addition to discipline, the district will assist students and/or parents or guardians to resolve concerns and issues prior to the use of the formal criminal complaint process. These interventions may include consultation, counseling, education, mediation and/or other opportunities for problem-solving.

In imposing discipline the administrator will take into consideration the context of the events, all relevant circumstances, and the parties’ prior behavior, the nature of the behavior and its potential harm and the emotional and/or physical harm resulting from the reported party’s actions. Exceptional misconduct penalties may be imposed, if in the opinion of the administration it is warranted.

**Sexting Offenses**

**First offense:**
A. Parents or guardians will be notified;
B. The district will file an information report with the police by phone or in writing;
C. The student’s phone or electronic device will be confiscated, searched and returned only to a parent or guardian;
D. The student will receive a short-term, out-of-school suspension or an in-school suspension; and
E. The district may impose appropriate interventions.

**Second offense:**
A. Parents or guardians will be notified;
B. Police will be notified;
C. The student’s phone or electronic device will be confiscated, searched and returned only to a parent or guardian;
D. The student will receive a long-term suspension; and
E. The student will be ineligible to participate in extracurricular activities.

**Third offense:**
A. Parents or guardians will be notified;
B. Police will be notified;
C. The student’s phone or electronic device will be confiscated, searched and returned only to a parent or guardian;
D. The student will be expelled; and
E. The student will be ineligible to participate in extracurricular activities.
Child Abuse, Neglect and Exploitation Prevention

Child abuse, neglect and exploitation are violations of children's human rights and an obstacle to their educational development. Any person under 18 years of age, and developmentally disabled persons of any age, are protected under the law. The board directs that staff will be alert for any evidence of such abuse, neglect or exploitation. For purposes of this policy, “child abuse, neglect or exploitation” will mean:

1. Inflicting physical injury on a child by other than accidental means, causing death, disfigurement, skin bruising, impairment of physical or emotional health, or loss or impairment of any bodily function;

2. Creating a substantial risk of physical harm to a child's bodily functioning;

3. Committing or allowing to be committed any sexual offense against a child as defined in the criminal code, or intentionally touching, either directly or through the clothing, the genitals, anus or breasts of a child for other than hygiene, child care or health care purposes;

4. Committing acts which are cruel or inhuman regardless of observable injury. Such acts may include, but are not limited to, instances of extreme discipline demonstrating a disregard of a child’s pain or mental suffering;

5. Assaulting or criminally mistreating a child as defined by the criminal code;

6. Failing to provide food, shelter, clothing, supervision or health care necessary to a child’s health or safety;

7. Engaging in actions or omissions resulting in injury to, or creating a substantial risk to the physical or mental health or development of a child; or

8. Failing to take reasonable steps to prevent the occurrence of the preceding actions.

Child abuse can include abuse by another minor and so may be included in incidents of student misconduct.

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

The superintendent will develop reporting procedures, including sample indicators of abuse and neglect, and will disseminate the procedures to all staff. The purpose is to identify and report as soon as possible to the proper authorities all evidence of child abuse or neglect. Staff will receive training regarding reporting obligations during their initial orientation and every three years after initial employment.

In accordance with state law, individual staff members are responsible for reporting all suspected cases of child abuse and neglect as soon as possible, and in no case longer than forty-eight (48) hours. For that reason, also under state law, staff members are free from civil or criminal liability for reporting instances of abuse or neglect when done in good faith, and are criminally liable for failure to do so. Any school staff member who knowingly fails to report suspected child abuse or neglect shall be guilty of a gross misdemeanor, and subject to severe penalties. The following measures apply:

1. A certificated, classified, or non-represented school employee who has knowledge or reasonable cause to believe that a student has been a victim of physical abuse, neglect or
sexual misconduct by a stranger, family member, another student, school employee, etc., shall report such abuse or misconduct to the appropriate school administrator. The school administrator and certificated or classified employee shall cause a report to be made to the proper law enforcement agency if he or she has reasonable cause to believe that the misconduct or abuse has occurred as required under RCW 26.44.030.

2. Nothing in this procedure changes any of the duties established under RCW 26.44.030. Staff 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 such action as is appropriate under the circumstances.

Please refer to Board Policy 3226 – Interviews and Interrogations of Students on School Premises, for requirements regarding investigative student interview procedures.

Cross References:  
Policy 3226 Interviews and Interrogations of Students on School Premises  
Policy 4265 Community Education  
4310 Relations with the Law Enforcement, Child Protective Agencies, and the County Health Department

Legal References:  
RCW 13.34.300 Relevance of failure to cause juvenile to attend school as evidence to neglect petition  
26.44.020 Child abuse — Definitions  
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 — Restrictions Classes on parenting skills and child abuse prevention encouraged  
43.43.830 Background checks — Access to children or vulnerable persons  
WAC 388-15-009 What is child abuse or neglect?  
AGO 1987, No. 9 Children — Child Abuse — Reporting by School Officials — Alleged Abuse by Student
Management Resources:

- *Policy News*, April 2010: Child Abuse Interviews at Schools
- *Policy News*, June 1999: 23% of districts out-of-compliance on child abuse policies

Adoption Date: 02.25.86
Washougal School District
Revised: 11.10.08; 02.22.11; 11.27.12; 06.25.13; 06.24.14
Child Abuse, Neglect and Exploitation Prevention

Each school principal will develop and implement an instructional program that will teach students:

A. How to recognize the factors that may cause people to abuse others;
B. How one may protect oneself from incurring abuse; and
C. What resources are available to assist an individual who does or may encounter an abuse situation.

To facilitate such a program, staff development activities may include such topics as:

1. Child growth and development;
2. Identification of child abuse and neglect;
3. Effects of child abuse and neglect on child growth and development;
4. Personal safety as it relates to potential child abuse and neglect;
5. Parenting skills;
6. Life situations/stressors which may lead to child maltreatment; or
7. Substance abuse.

Reporting Responsibilities

Staff are expected to report every instance of suspected child abuse or neglect. Since protection of children is the paramount concern, staff should discuss any suspected evidence with the principal or nurse regardless of whether the condition is listed among the indicators of abuse or neglect.

Staff are reminded of their obligation as district employees to report suspected child abuse, and professional staff are reminded of their legal obligation to make such reports. Staff are also reminded of their immunity from potential liability for doing so. The following procedures are to be used in reporting instances of suspected child abuse:

A. When there is reasonable cause to believe that a student has suffered abuse or neglect, staff or the principal will immediately, or as soon as possible, contact the nearest office of the Child Protective Services (CPS) of the Department of Social and Health Services (DSHS). If this agency cannot be reached, the report will be submitted to the police, sheriff, or prosecutor's office. Such contact must be made within forty-eight (48) hours. Staff will also advise the principal regarding instances of suspected abuse or neglect and reports of suspected abuse that have been made to state authorities or law enforcement.

A staff member may wish to discuss the circumstances with an employee of CPS for assistance in determining if a report should be made. Child Protective Services has the responsibility of determining the fact of child abuse or neglect. Any doubt about the child's condition will be resolved in favor of making the report.

B. Following a phone report to CPS or law enforcement, the staff person shall complete the Washougal School District Child Abuse and Neglect Form and develop a written report. The Child Protective Services (CPS) report form may serve as the written report. Otherwise, staff members shall use the form included in this procedure. A copy of the Child Abuse and Neglect Form must be sent to Child Protective Services and to the Title IX Officer of the Washougal School District within three days of filing the report.

Please refer to Board Policy 3226 – Interviews and Interrogations of Students on School Premises for requirements regarding investigative student interview procedures.
C. The district will within forty-eight (48) hours of receiving a report alleging sexual misconduct by a school employee notify the parents of a student alleged to be the victim, target or recipient of the misconduct.

Abuse Indicators

Physical abuse indicators:
1. Bilateral bruises, extensive bruises, bruises of different ages, patterns of bruises caused by a particular instrument (belt buckle, wire, straight edge, coat hanger, etc.);
2. 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.);
3. Lacerations, welts, abrasions;
4. Injuries inconsistent with information offered by the child;
5. Injuries inconsistent with the child's age; or
6. Injuries that regularly appear after absence or vacation.

Emotional Abuse Indicators:
1. Lags in physical development;
2. Extreme behavior disorder;
3. Fearfulness of adults or authority figures; or
4. Revelations of highly inappropriate adult behavior, i.e., being enclosed in a dark closet, forced to drink or eat inedible items.

Sexual Abuse Indicators
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:
1. Child having difficulty sitting down;
2. Child refusing to change into gym clothes (when he/she has been willing to change in the past);
3. Venereal disease in a child of any age;
4. Evidence of physical trauma or bleeding to the oral, genital or anal areas;
5. Child running away from home and not giving any specific complaint about what is wrong at home; or
6. Pregnancy at 11 or 12 with no history of peer socialization.

Physical Neglect Indicators
1. Lack of basic needs (food, clothing, shelter);
2. Inadequate supervision (unattended);
3. Lack of essential health care and high incidence of illness;
4. Poor hygiene on a regular basis;
5. Inappropriate clothing in inclement weather; or
6. Abandonment.

Some Behavioral Indicators of Abuse:
1. Wary of adult contact;
2. Frightened of parents;
3. Afraid to go home;
4. Habitually truant or late to school;
5. Arrives at school early and remains after school later than other students;
6. Wary of physical contact by adults;
7. Shows evidence of overall poor care;
8. Parents describe child as “difficult” or “bad;”
9. Inappropriately dressed for the weather — no coat or shoes in cold weather or long sleeves and high necklines in hot weather (possibly hiding marks of abuse); or
10. Exhibit behavioral extremes: crying often or never, unusually aggressive or withdrawn and fearful.

**NOTE:** Behavioral indicators in and of themselves do not prove abuse has occurred. Together with other indicators they may warrant a referral.

Child abuse as defined by the statutes can be inflicted “by any person” and may include student-on-student abuse. These cases also require reporting to CPS, DSHS or law enforcement. Child abuse in this and all other cases requires two elements. First, there must be injury, sexual abuse, sexual exploitation, negligent treatment or maltreatment. Second, there must be harm to the child’s health, welfare or safety.
As an employee of the Washougal School District, you are a mandatory reporter under Washington State Law.

**RCW 26.44.030**

If you have knowledge or reasonable cause to believe that a student has been a victim of physical abuse, neglect, or sexual misconduct by a stranger, another student, a family member, or a staff member you are to report to the proper law enforcement agency and/or Children Protective Services (CPS).

**Reporting Steps:**

- Communicate with an administrator the abuse that has been reported.
- With the administrator, make the call to the authorities.
  - If you must return to your classroom or work station, schedule a time with the administrator to be present when the call is placed when you will be available to make the report.
- Make the report immediately, or as soon as possible on the day you were made aware of the possible abuse. Do not fail to report within 48 hours of learning of the possible abuse.
- Suspected sexual abuse, by a staff member must be reported to CPS or the police; sexual misconduct including student boundary invasions must be reported to your administrator.
  - With your administrator, work to assure that a copy is mailed to Child Protective Services and that a copy is sent to the Washougal School District Title IX Officer.

**Washougal Police Department 360-835-8701**
**Child Protective Services (CPS) 888-713-6115**
**PO Box 9809, Vancouver, WA 98666-8809**

**RCW 26.44.080**

Every person who is required to make, or to cause to be made, a report pursuant to RCW 26.44.030 and 26.44.040 and who knowingly fails to make, or fails to cause to be made, such report, shall be guilty of a gross misdemeanor.
Incident must be reported immediately or as soon as possible, but no later than 48 hours, to C.P.S. at (888) 713-6115.

### PARENT(S) / GUARDIAN(S) IDENTIFICATION
<table>
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<tr>
<th>Last Name</th>
<th>First</th>
<th>Middle</th>
<th>Date of CPS Report:</th>
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<tr>
<th>Address:</th>
<th>City:</th>
<th>Phone:</th>
<th>Time of CPS Report:</th>
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### ALLEGED VICTIM

**Type of Child Abuse** (Check all that apply):
- [ ] Physical Abuse
- [ ] Neglect
- [ ] Sexual Abuse
- [ ] Medical Neglect
- [ ] Emotional Neglect/Abuse
- [ ] Sexual Exploitation

### OTHER CHILDREN IN FAMILY

<table>
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<tr>
<th>Last Name</th>
<th>First</th>
<th>D.O.B.</th>
<th>M/F</th>
<th>School</th>
<th>Grade</th>
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**Police Involvement:** [ ] Yes  [ ] No

**Officer’s Name:**

### REPORTER’S IDENTIFICATION

**Name of Reporter:**

- [ ] Principal
- [ ] Teacher
- [ ] Counselor
- [ ] Classified Staff

**Child taken into protective custody:** [ ] Yes  [ ] No

### ALLEGED PERPETRATOR IDENTIFICATION

**Relationship to Victim:**
- [ ] Parent
- [ ] Foster Parent
- [ ] School Staff
- [ ] Third Party
- [ ] Relative
- [ ] Daycare
- [ ] Group Home
- [ ] Other:

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**Address:**

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**Telephone Number:**

<table>
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<tr>
<th>Access to Child:</th>
<th>Yes</th>
<th>No</th>
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### SPECIFIC ALLEGATIONS:

Please be detailed and factual (where, when, source of information, etc.) Include any evidence that may relate to the cause or extent of the abuse or neglect.

**DO NOT FILE IN CHILD’S SCHOOL RECORD**
<table>
<thead>
<tr>
<th>Reporter’s Signature:</th>
<th>Principal’s Signature:</th>
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<tbody>
<tr>
<td>Date:</td>
<td>Date:</td>
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</table>

Copy to:  
- Administrator
- Counselor
- Copy mailed to:  
  Child Protective Services  
  PO Box 9809  
  Vancouver, WA 98666-8809
- Washougal SD Title IX Officer (Please send under confidential cover)
Confidential Communications

The board recognizes that school staff must exercise a delicate balance regarding the treatment of information that was revealed in confidence. A staff member may, in his/her professional judgment, treat information received from a student as confidential while at other times decide to disclose what was learned to the school administration, law enforcement officers (including child protective services), the county health department, other staff members or the student’s parents. The staff member should advise the student regarding the limitations and restrictions regarding confidentiality. The student should be encouraged to reveal confidences to his/her parents. If the staff member intends to disclose the confidence, the student should be informed prior to such action.

The following guidelines are established to assist staff members in making appropriate decisions regarding confidential information and/or communications:

A. Information contained in the student's cumulative record folder is confidential and is only accessible through the custodian of student records. Information secured through the authorization of the record’s custodian will remain confidential and will be used only for the purpose for which access was granted.

B. While certain professionals may have a unique confidential relationship (e.g. attorney-client privileged communications and licensed psychologists), school staff members including counselors do not possess a confidentiality privilege.

C. Staff members, including counselors and social workers, will reveal information and report to appropriate authorities when:
   • A report of child abuse is made (Board Policy 3421 - Child Abuse, Neglect and Exploitation Prevention);
   • A report of suicidal ideation is made;
   • There is a reasonable likelihood that a crime has or will be committed.

A staff member will exercise professional judgment regarding the sharing of student disclosed information when there is reasonable likelihood that the student's welfare may be endangered.

D. If district officials determine there is a specific threat to the health or safety of a student or any other individual, it may disclose otherwise confidential student information to appropriate parties, as allowed by the Family Educational Rights and Privacy Act (FERPA).

E. A staff member is encouraged to assist the student by offering suggestions regarding the availability of community services to assist a student in dealing with personal matters, (e.g. substance abuse, mental illness, sexually-transmitted diseases, pregnancy). The staff member should encourage the student to discuss such matters with his/her parents. Staff members are encouraged to discuss problems of this nature with the school principal prior to making contact with others.

Cross References: Policy 2121 Drug and Alcohol Use/Abuse Program
                         Policy 2140 Guidance and Counseling
                         Policy 3231 Student Records
                         Policy 3421 Child Abuse, Neglect and Exploitation Prevention
                         Policy 4040 Public Access to District Records
                         Policy 5260 Personnel Records
Legal References: RCW 26.44.030(12) Reports — Duty and authority to make — Duty of receiving agency
Public Access to District Records

Full access to information concerning the administration and operations of the district will be afforded to the public as provided by the Public Disclosure Law. At the same time, the district recognizes the right of individuals to privacy and of the desirability of efficient administration of the district. Public access to district records will be afforded according to the procedures developed by the superintendent and periodically reviewed by the board.

“School district records” include any writing, printing, photocopying, photographing, etc., containing information relating to the conduct of operations and functions of the district that is prepared, owned, used, or retained by the district. “School district records” do not include the personal notes and memoranda of staff which remain in the sole possession of the maker and which are not generally accessible or revealed to other persons. A “writing” as defined by the Public Records Act means any handwriting, typewriting, printing, photocopying, photographing, or other means of recording any form of communication or representation.

The superintendent or designee will serve as “public records coordinator” with responsibility and authority for ensuring compliance with the display, indexing, availability, inspection, and copying requirements of state law and this policy. As coordinator, he/she will authorize the inspection and copying of the district’s records only in accordance with the criteria set forth in this policy.

In accordance with RCW Chapter 42.56, the district will make available for public inspection and copying all district records, or portions, except those which contain the following information:

A. Personal information from any file maintained for students (RCW 42.56.230(1)). Information from student records be disclosed only in accordance with the requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g and adopted in district policy;

B. Personal information in files maintained for staff to the extent that disclosure would violate their right to privacy. Requests for verification of employment are not public records and are not subject to the Public Records Act. Performance evaluations that do not discuss specific instances of misconduct are private and not of legitimate public concern, and will not be disclosed. (RCW 42.56.230(2));

C. Test questions, scoring keys, or other examination data used to administer academic tests (RCW 42.56.250(1));

D. The contents of real estate appraisals, made for or by the district relative to the acquisition of property, until the project is abandoned or until such time as all of the property has been acquired, but in no event will disclosure be denied for more than three years after the appraisal (RCW 42.56.260);

E. Preliminary drafts, notes, recommendations, and intra-district memoranda in which opinions are expressed or policies formulated or recommended, except that a specific record will not be exempt when publicly cited by the district in connection with any district action (RCW 42.56.280);

F. Records which are relevant to a controversy in which the district is a party but which records would not be available to another party under the rules of pretrial discovery for cases pending in the superior courts – RCW 42.56.290;
G. Records or portions of records the disclosure of which would violate personal rights of privacy – RCW 42.56.210 and RCW 42.56.070;
H. Records or portions of records the disclosure of which would violate governmental interests - RCW 42.56.210;
I. The residence addresses, telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers and emergency contact information of employees or volunteers at a public agency held in personnel records, rosters, and mailing lists - RCW 42.56.250(3);
J. The names, dates of birth, residential addresses and telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers and emergency contact information of dependents of employees and volunteers of a public agency;
K. Personally identifiable information for special education students - WAC 392-172A; and
L. The annual declaration of intent filed by parents for a child to receive home-based instruction - RCW 42.56.320.

If the district denies any request, in whole or in part, for inspection and copying of records, the district will provide the requesting party with a written statement of the reason for the denial setting forth the specific exemption (and statutory section) which applies. No request will be denied solely on the basis that the request is overbroad.

If the record which is requested for inspection and/or copying contains both information exempted from disclosure and nonexempt information, the district will, to the extent practicable, produce the record with the exempt portion deleted and will provide a written explanation for the deletion.

The district may inquire into the purpose for which a record is requested and may use the answer to aid in determining whether the public has a legitimate interest in obtaining the information, but the district may not decline to furnish the records for public inspection and copying solely because the requester refuses to furnish a reason for the request.

The district may condition access to a public record containing a list of individuals on the requester’s promise that the record will not be used for a commercial purpose, but may not require the requester to enter into a hold harmless agreement to that effect.

The public records coordinator is authorized to seek an injunction to prevent the disclosure of records otherwise disclosable when he/she determines that there is reasonable cause to believe that the disclosure would clearly not be in the public interest and would substantially and irreparably damage any person or would substantially or irreparably damage vital governmental functions.

The coordinator will inform any employee and appropriate collective bargaining unit representative when a record naming the employee has been requested. The employee and representative will be informed of the district’s intended response to the request.

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 all of the laws and regulations governing the retention disclosure, destruction and archiving of public records. The district will manage electronic records according to the same provisions as paper documents as set forth in the records retention
schedules. Electronic records will be retained in electronic format and remain usable, searchable, retrievable and authentic for the length of the designated retention period. The district will retain electronic records designated as archival in the original format along with the hardware and software required to read the data, unless the data has been successfully migrated to a new system. The district will retain records in compliance with the General Records Retention Schedule For School Districts And Educational Service Districts in Washington State found at: www.sos.wa.gov/archives/recordsretentionschedules.aspx.

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 a contract, final payment of a contract, or termination of employment. 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 electronically for the remainder of the retention period.

Cross Reference: Policy 3231

Legal Reference: Chapter 40.14 RCW Preservation and destruction of public records
Chapter 42.17 RCW Disclosure — Campaign Finances — Lobbying
Chapter 42.56 RCW Public Records Act
WAC 392-172A Rules for the provision of special education
20 U.S.C. § 1232g Federal Education Rights Privacy Act (FERPA)

Management Resources:
Policy News, April 2012 Public records
Policy News, June 2006 Public Records Act
Policy News, October 2005 Public Disclosure
Regulation of Dangerous Weapons on School Premises

It is a violation of district policy and state law for any person to carry a firearm or dangerous weapon on school premises, school-provided transportation or areas of other facilities being used exclusively for school activities. Firearms and dangerous weapons are defined in RCW 9.41.

The superintendent is directed to see that all school facilities post “Gun-Free Zone” signs, and that all violations of this policy and RCW 9.41.280 are reported annually to the Superintendent of Public Instruction.

The following persons may carry firearms into school buildings, as necessary:

A. Persons engaged in military, law enforcement, or school district security activities;
B. Persons involved in a school authorized convention, showing, demonstration, lecture or firearm safety course; and
C. Any federal, state or local law enforcement officer.

The following persons over eighteen years of age and not enrolled as students may have firearms in their possession on school property outside of school buildings:

A. Persons with concealed weapons permits issued pursuant to RCW 9.41.070 who are picking up or dropping off students; and
B. Persons conducting legitimate business at the school and in lawful possession of a firearm or dangerous weapon if the weapon is secured within an attended vehicle, is unloaded and secured in a vehicle, or is concealed from view in a locked, unattended vehicle.

Persons over eighteen years of age, and persons between fourteen and eighteen years of age with written parental or guardian permission, may possess personal protection spray devices on school property. A copy of the written parental or guardian permission to possess personal protection spray devices on school property must be turned in to the building principal. No one under eighteen years of age may deliver such devices. No one eighteen years or older may deliver a spray device to anyone under fourteen, or to anyone between fourteen and eighteen who does not have parental permission.

Personal protection spray devices may not be used other than in self-defense as defined by state law. Possession, transmission or use of personal protection spray devices under any other circumstances is a violation of district policy.

School officials will promptly notify the student’s parents or guardians and the appropriate law enforcement agency of known or suspected violations of this policy. Students who violate this policy will be subject to discipline, including a one-year expulsion for a violation involving a firearm. However, the superintendent may modify the one-year expulsion on a case-by-case basis.

Cross References:
- Policy 3240: Student Conduct
- Policy 3241: Classroom Management, Corrective Actions or Punishment
- Policy 4260: Use of School Facilities
Legal References:  
RCW 9.41.280 Dangerous weapons on facilities—Penalty — Exceptions  
RCW 9.91.160 Personal Protection Spray devices  
RCW 9A.16.020 Use of force — when lawful  
RCW 28A.600.420 Firearms on school premises, transportation, or facilities — Penalty — Exemptions

Management Resources:  
Policy News, August 2006 Weapons on School Premises  
Policy News, August 1998 State Encourages Modification of Weapons Policy  
Policy News, Ocober 1997 Legislature also addresses “look-alike” firearms
Use of Tobacco and Nicotine Substances Products and Delivery Devices

The board of directors 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 use of tobacco products and delivery devices on school property at all times. Tobacco products and delivery devices include, but are not limited to, cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, nicotine, electronic smoking/vapor devices, “vapor pens,” 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.

Any use of such products and delivery devices by staff, students, visitors and community members will be prohibited on school district property. Possession by, or distribution of tobacco products to minors is prohibited. This will include all district buildings, grounds and district-owned vehicles.

The use of Federal Drug Administration (FDA) approved nicotine replacement therapy in the form of a nicotine patch, gum or lozenge is permitted. However, students and employees must follow applicable policies regarding use of medication at school.

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

Cross References:  Policy 3200     Student Rights and Responsibilities
Policy 3241     Classroom Management, Corrective Actions or Punishments
Policy 3416     Medication at School
Policy 5201     Drug-Free Schools, Community and Workplace
Policy 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 28A.210.260     Public and private schools – Administration of medication – Conditions.
RCW 28A.210.270     Public and private schools– Administration of Medication- Immunity from liability- Discontinuance, procedure.

Policy 4215, p. 1 of 2
Management Resources:

*Policy and Legal News, February 2014*  
Use of Tobacco and Nicotine Substances policy updated to address vapor devices

*Policy News, December 2010*  
Addressing the Use of “Electronic” Cigarettes

*Policy News, October 2010*  
Electronic Cigarettes

Adoption Date: 05.10.11  
Washougal School District  
Revised: 04.29.14
Complaints Concerning Staff or Programs

Constructive criticism can be helpful to the district. At the same time, the board has confidence in its staff and programs and will act to protect them from unwarranted criticism or disruptive interference. Complaints received by the board or a board member will be referred to the superintendent for investigation.

The superintendent will develop procedures to handle complaints concerning staff or programs. Complaints regarding instructional materials should be pursued in the manner provided for in Policy 2020, *Curriculum Development and Adoption of Instructional Materials*.

Cross Reference: Policy 2020 Curriculum Development and Adoption of Instruction Materials

Legal References: RCW 28A.405.300 Adverse change in contract status of certificated employee — Determination of probable cause — Notice — Opportunity for hearing

Chapter 42.30 RCW Open Public Meetings Act

Adoption Date: 03.25.86
Washougal School District
Revised: 01.26.88; 08.19.08; 05.10.11; 04.29.14
Complaints Concerning Staff or Programs

Most complaints can be resolved by informal discussions between community members and the staff member. Should the matter not be resolved, the principal will attempt to resolve the issue through a conference with the community member and the staff member.

A. The following procedures apply to the processing of a complaint which cannot be resolved in the manner described above;

B. If the problem is not satisfactorily resolved at the building level, the community member should file a written complaint with the superintendent which describes the problem, and a suggested solution. The superintendent should send copies to the principal and staff member;

C. The principal and staff member will respond to the superintendent in writing or in person; and

D. The superintendent or designee will schedule a conference with the citizen, staff member, and principal to reach a resolution.
Notification of Threats of Violence or Harm

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

Individual-directed threats of violence or harm are communications that create fear of physical harm to a specific individual or individuals, communicated directly or indirectly by any means.

Building-directed threats of violence or harm are direct or indirect communications by any means of the intent to cause damage to a school building or school property (e.g., bomb threats), or to harm students, employees, volunteers, community members or visitors.

The district will address threats of violence or harm in a manner consistent with the district’s safety policies and comprehensive safe school plans.

Persons found to have made threats of violence or harm against district property, students, employees or others will be subject to relevant district discipline policies and will be referred to appropriate community agencies including law enforcement and mental health services. District staff will work with in-district and community-based professionals and services in all relevant disciplines to address threats of violence or harm, those threatened and those making the threats. Necessary information about the person making the threat will be communicated by the principal to teachers and staff, including security personnel.

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

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

Cross References:  
Policy 2161 Special Education and Related Services for Eligible Students  
Policy 2162 Education of Students with Disabilities Under Section 504 of the Rehabilitation Act of 1973  
Policy 3207 Prohibition of Harassment, Intimidation and Bullying  
Policy 3240 Student Conduct  
Policy 3241 Classroom Management, Corrective Actions or Punishment  
Policy 5281 Disciplinary Action or Discharge  
Policy 6513 Workplace Violence Prevention
Legal References:  
RCW 28A.320.128  Notice and disclosure policies — Threats of violence — student conduct — Immunity for good faith notice — Penalty  
WAC 392-400  Pupils  
20 U.S.C. § 1232g  Family Educational Rights and Privacy Act  
34 C.F.R. Part 99  FERPA Regulations  

Management Resources:  
Policy News, February 2003  Threats Policy Due in September  

Adoption Date: 05.10.11  
Washougal School District  
Revised: 04.29.14  

Policy 4314, p. 2 of 2
Notification of Threats of Violence or Harm

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

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

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

Relevant information about the threat that does not improperly identify a student will be provided to the subject of the threat, and the subject will be advised that if law enforcement has been involved in the matter, the law enforcement agency may have more information that can be shared with the subject.

To promote the safety of all concerned, the principal will determine if classroom teachers, school staff, school security, and others working with the student(s) involved in the threat circumstance, should be notified. Subject to the confidentiality provisions cited above, principals will consider all available information when determining the extent of information to be shared, including prior disciplinary records, official juvenile court records, and documented history of violence of the person who made the threat.

When considering the appropriate discipline for a student who has made a threat of violence or harm, the student’s prior disciplinary records will be taken into account. Emergency expulsion will be considered, based on the credibility and significance of the threat. Discipline will only be imposed on students with disabilities consistent with policy and the legal requirements for special education.

If the threat by a student was significant and credible enough to warrant expulsion, the student may only be readmitted to the district through the readmission application process provided for in district policy. The readmission application process will include meeting district readmission criteria established at the time of expulsion and should include completion of an assessment by an appropriate professional, with a report to the district, when the district determines such an assessment is necessary.
Discipline against district staff for making threats of violence or harm will be consistent with district policy and procedure regarding staff discipline, and any relevant collective bargaining requirements.
Nondiscrimination and Affirmative Action

Nondiscrimination
The district will provide equal employment opportunity and treatment for all applicants and staff in recruitment, hiring, retention, assignment, transfer, promotion and training. Such equal employment opportunity will be provided without discrimination with respect to race, creed, religion, color, national origin, age, honorably-discharged veteran or military status, sex, sexual orientation including gender expression or 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.

The superintendent will designate a staff member to serve as the compliance officer.

Affirmative Action
The district, as a recipient of public funds, is committed to undertake affirmative action which will make effective equal employment opportunities for staff and applicants for employment. Such affirmative action will include a review of programs, the setting of goals and the implementation of corrective employment procedures to increase the ratio of aged, persons with disabilities, ethnic minorities, women, and Vietnam veterans who are under-represented in the job classifications in relationship to the availability of such persons having requisite qualifications. Affirmative action plans may not include hiring or employment preferences based on gender or race, including color, ethnicity or national origin. Such affirmative action will also include recruitment, selection, training, education and other programs.

The superintendent will develop an affirmative action plan which specifies the personnel procedures to be followed by the staff of the district and will ensure that no such procedures discriminate against any individual. Reasonable steps will be taken to promote employment opportunities of those classes that are recognized as protected groups — aged, persons with disabilities, ethnic minorities, women, and Vietnam veterans, although under state law, racial minorities and women may not be treated preferentially in public employment.

This policy, as well as the affirmative action plan, regulations and procedures developed according to it, will be disseminated widely to staff in all classifications and to all interested patrons and organizations. Progress toward the goals established under this policy will be reported annually to the board.

Employment of Persons with Disabilities
In order to fulfill its commitment of nondiscrimination to those with disabilities, the following conditions will prevail:

A. No qualified person with disabilities will, solely by reason of a disability, be subjected to discrimination and the district will not limit, segregate or classify any applicants for employment or any staff member in any way that adversely affects his/her opportunities or status because of a disability. This prohibition applies to all aspects of employment from recruitment to promotions, and includes fringe benefits and other elements of compensation.

B. The district will make reasonable accommodation to 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 on the operation of the district program. Such reasonable accommodations may include:

1. Making facilities used by staff readily accessible and usable by persons with disabilities; and
2. 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.

In determining whether or not accommodation would impose an undue hardship on the district, factors to be considered include the nature and cost of the accommodation.

C. The district will not make use of any employment test or criteria that screens out persons with disabilities unless:
   1. The test or criteria is clearly and specifically job-related; and
   2. Alternative tests or criteria that do not screen out persons with disabilities are available;

D. While the district may not make pre-employment inquiry 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; and

E. Any staff member who believes that there has been a violation of this policy or the law prohibiting discrimination because of a disability may initiate a grievance through the procedures for staff complaints.

Nondiscrimination for Military Service
The district will not discriminate against any person who is a member of, applies to be a member or performs, has performed, applies to perform or has an obligation to perform service in a uniformed service, on the basis of that 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.

Cross References:  Board Policy 2030  Service Animals in Schools  Board Policy 5270  Resolution of Staff Complaints  Board Policy 5407  Military Leave

Legal References:  RCW 28A.400.310  Law against discrimination applicable to districts’ employment practices  RCW 28A.640.020  Regulations, guidelines to eliminate discrimination — Scope — Sexual harassment policies  RCW 28A.642  Discrimination prohibition  RCW 49.60  Discrimination — Human rights commission  RCW 49.60.030  Freedom from discrimination — Declaration of civil rights  RCW 49.60.180  Unfair practices of employers  RCW 49.60.400  Discrimination, preferential treatment prohibited  RCW 73.16  Employment and Reemployment  WAC 392-190  Equal Education Opportunity – Unlawful Discrimination Prohibited
WAC 392-190-0592  Public school employment —
Affirmative action program

42 USC §§2000e1 – 2000e10  Title VII of the Civil Rights Act of 1964
20 USC §§1681 - 1688  Title IX Educational Amendments of
1972

42 USC 12101 – 12213  Americans with Disabilities Act
8 USC §1324  (IRCA) Immigration Reform and
Control Act of 1986

38 USC §§ 4301-4333  Uniformed Services Employment and
Reemployment Rights Act

29 USC§ 794  Vocational Rehabilitation Act of 1973
34 CFR § 104  Nondiscrimination on the basis of
handicap in Programs or activities
receiving federal financial assistance

Management Resources:
Policy News, June 2011  Laws Against Discrimination Address
Equal Education Opportunities
Policy News, February 2011  Nondiscrimination
Policy News, August 2007  Washington’s Law Against
Discrimination
Policy News, June 2001  State Updates Military Leave Rights

Adoption Date: 06.22.93
Washougal School District
Revised: 01.26.10; 03.22.11; 05.28.13
Nondiscrimination and Affirmative Action

Nondiscrimination

To ensure fairness and consistency, the following grievance procedure is to be used in the district’s relationship with its staff with regard to employment problems covered by state and federal equal employment opportunity laws and/or this affirmative action program. No staff member’s status with the district will be adversely affected in any way because the staff member utilized these procedures. As used in this procedure, “grievance” will mean a complaint which has been filed by a complainant relating to alleged violations of any state or federal anti-discrimination laws. A “complaint” will mean a charge alleging specific acts, conditions or circumstances which are in violation of the anti-discrimination laws. A “respondent” will mean the person alleged to be responsible or who may be responsible for the violation alleged in the complaint.

The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint to this and the following steps will be taken:

Affirmative Action Plan

In order to secure an equitable solution to a justifiable complaint the district will:

A. Make efforts to modify the composition of the future work force in order to work toward a full utilization of aged, persons with disabilities, ethnic minorities, women and Vietnam veterans in the various job categories.

B. Ensure that all applicants and staff are considered on the basis of bona fide job-related qualifications. The purpose of the affirmative action plan is to actively include persons of under-utilized classes in the employment process, not to exclude others from it. The district will continue to emphasize in all recruitment contacts that nondiscrimination is a basic element in the district’s personnel procedures.

C. Be responsible for reviewing all employment procedures and programs to assure that there is no indication of discriminatory practices. The district will continue to use aged, persons with disabilities, ethnic minorities, women and Vietnam veterans in the recruitment and employment process. Job descriptions for classified staff will be sent to the Washington Employment Service and other organizations which are recruiting sources for groups that may be under-utilized in the district’s work force. Recruitment from colleges and universities will include institutions with high percentages of students of various ethnic minorities.

D. Contract and purchase all goods and services from persons, agencies, vendors, contractors and organizations who comply with the appropriate laws and executive orders regarding discrimination.

E. Take appropriate action to attract and retain aged, persons with disabilities, ethnic minorities, women and Vietnam Veterans at all levels and in all segments of the district’s work force. Criteria for selecting staff will be reviewed regularly to assure that such statements relate directly to the requirements for specific positions. However, pursuant to state law there will be no preferential employment practices based on race or gender.

F. Upgrade present staff by providing management development training to assure that individuals of under-utilized groups are prepared for positions of new and increased responsibility.

Implementation of the affirmative action plan will be the responsibility of the superintendent. Administrators will assist in the attainment of the established goals and purposes of this affirmative action plan.
Dissemination
The district will disseminate information concerning employment and developments under the affirmative action plan on a planned basis to assist in achieving the goals set forth in this plan. Affirmative action information will be disseminated by:

A. Printing and distributing such information to staff, school libraries and offices;
B. Publicizing such information in district newsletters;
C. Conducting meetings with administrative staff to explain the intent and advantages of the policy and plan;
D. Conducting faculty meetings and meetings with classified staff;
E. Informing appropriate and interested recruiting and hiring sources; and
F. Informing all representative staff groups in the district.

Internal Audit and Monitoring System
The superintendent’s office, in compliance with WAC 162-12, Pre-employment Inquiry Guide, will record by age, race, sex and other protected groups applicant flow, new hires, promotions, transfer requests, transfers, administrative internships and terminations. An analysis will be made of the internal and external work force availability of aged, persons without disabilities, ethnic minorities and women.

The district will evaluate the effectiveness of the nondiscrimination and affirmative action program and report its status to the board semiannually. Such reports may include recommendations for changes in the affirmative action program goals. The overall responsibility for monitoring and auditing this policy is assigned to the district office. The duties include:

A. Analysis of the categories of employment in relation to affirmative action goals;
B. Analysis of work force data and applicant flow;
C. Maintaining records relative to affirmative action information;
D. Preparation of semiannual reports of progress toward the goals and recommended changes required to maintain the vitality of the program;
E. Identifying in a written report to the superintendent any employment practice or policy that is discriminatory or that does not meet the requirements of the affirmative action program; and
F. Keeping the superintendent advised of the progress in implementing the goals and procedures of this affirmative action program.

Grievance Procedure
To ensure fairness and consistency, the following review procedures are to be used in the district’s relationship with its staff with regard to employment problems covered by state and federal equal employment opportunity laws and/or this affirmative action program. No staff member’s status with the district will be adversely affected in any way because the staff member utilized these procedures. As used in this procedure, “grievance” will mean a complaint which has been filed by a complainant (a student, an employee, a parent or guardian) relating to alleged violations of any state or federal anti-discrimination laws.

A “complaint” shall mean a charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws. A “respondent” shall mean the person alleged to be responsible or who may be responsible for the violation alleged in the complaint.

The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint to this and, the following steps will be taken:
A. Informal Process for Resolution
   When a staff member has an employment problem concerning equal employment opportunity, he/she will discuss the problem with the immediate supervisor or personnel director within 60 days of the circumstances which gave rise to the problem. The staff member may also ask the compliance officer to participate in the informal review procedure. It is intended that the informal discussion will resolve the issue. If the staff member feels he/she cannot approach the supervisor because of the supervisor’s involvement in the alleged discrimination, the staff member may directly contact the compliance officer before pursuing formal procedures. If the discussion with the officer or immediate supervisor does not resolve the issue the staff member may proceed to the formal review procedures.

B. Level One
   The complaint must be written, signed by the complainant and set forth the specific acts, conditions, or circumstances alleged to be in violation. Upon receipt of a complaint, the compliance officer will investigate the allegations within 30 calendar days. The school district and complainant may agree to resolve the complaint in lieu of an investigation. The officer will provide the superintendent with a full written report of the complaint and the results of the investigation. The superintendent will respond in writing to the complainant as expeditiously as possible, but in no event later than 30 calendar days following receipt of the written complaint. The response of the superintendent will include notice of the complainant’s right to appeal to the school board and will identify where and to whom the appeal must be filed.

   The superintendent’s written response will state that the district either:
   1. Denies the allegations contained in the written complaint received by the district; or
   2. Will implement reasonable corrective measures to eliminate any such act, conditions or circumstance within the school district.

   Such corrective measures deemed necessary will be instituted as expeditiously as possible, but in no event later than 30 calendar days following the superintendent’s mailing of a written response to the complaining party unless otherwise agreed to by the complainant.

C. Level Two - Appeal to Board of Directors
   If a complainant disagrees with the superintendent’s written decision or if the superintendent fails to respond, the complainant may file a written notice of appeal with the secretary of the board by the 10th calendar day following:
   1. The date upon which the complainant received the superintendent’s response; or
   2. The expiration of the 30-calendar day response period stated in Level One, whichever occurs first.

   The board will schedule a hearing to commence within thirty (30) calendar days 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 to present such witnesses and testimony as the board deems relevant and material. If information not presented at the informal level or at level one becomes available the process will start again at the informal level to allow the new information to be considered. The board will render a written decision by the 10th work day following the termination of the hearing and will provide a copy to all parties involved, unless otherwise agreed to by the complainant and the superintendent or for good cause. The response of the board 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.

**D. Level Three - Appeal to the Superintendent of Public Instruction**

If a complainant disagrees with the decision of the board of directors, the complainant may appeal the board’s decision to the superintendent of public instruction.

1. A notice of appeal must be received by the Superintendent of Public Instruction on or before the twentieth (20) day following the date upon which the complainant received written notice of the board of directors’ decision.
2. A notice of appeal must be in writing in the form required by the Superintendent of Public Instruction and must set forth:
   a. A concise statement of the original complaint and the portions of the board of directors’ decision which is appealed.
   b. The relief requested by the complainant.

If a complainant remains aggrieved, they may seek resolution with federal or state agencies empowered with the authority to resolve such complaint.

**Preservation of Records**

The files containing copies of all correspondence relative to each complaint communicated to the district and the disposition, including any corrective measures instituted by the district, will be retained in the office of the district compliance officer for a period of 6 years.

**Resources**

1. District Contact
   Superintendent’s Office
   4855 Evergreen Way
   Washougal, WA 98671
   360.954.3000

2. 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
Sexual Harassment

This district is committed to a positive and productive education and working environment free from discrimination, including sexual harassment. The district prohibits sexual harassment of students, employees and others involved in school district activities.

Sexual harassment occurs when:

1. Submitting to the harasser's sexual demands is a stated or implied condition of obtaining an education or work opportunity or other benefit;
2. Submission to or rejection of sexual demands is a factor in an academic, work or other school-related decision affecting an individual; or
3. Unwelcome sexual or gender-directed conduct or communication interferes with an individual's performance or creates an intimidating, hostile or offensive environment.

Sexual harassment can occur adult to student, student to adult, student to student, adult to adult, male to female, female to male, male to male and female to female.

The district will 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. Allegations of criminal misconduct will be reported to law enforcement and suspected child abuse will be reported to law enforcement or Child Protective Services. Persons found to have been subjected to sexual harassment will have appropriate school district services made reasonably available to them and adverse consequences of the harassment will be reviewed and remedied, as appropriate.

Engaging in sexual harassment will result in appropriate discipline or other appropriate sanctions against offending students, staff and contractors. 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 against any person who makes or is a witness in a sexual harassment complaint is prohibited and will result in appropriate discipline. The district will take appropriate actions to protect involved persons from retaliation.

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

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 policy. All staff are responsible for receiving informal complaints and reports of sexual harassment and informing appropriate district personnel of the complaint or report for investigation and resolution. All staff are also responsible for directing complainants to the formal complaint process.

The superintendent will develop procedures to provide age-appropriate information and education to district staff, students, parents and volunteers regarding this policy and the recognition and prevention of sexual harassment. At a minimum sexual harassment recognition and prevention and the elements of this policy will be included in staff, student and regular volunteer orientation. This policy will be posted in each district building in a place available to
staff, students, parents, volunteers and visitors. The policy will be reproduced in each student, staff, volunteer and parent handbook.

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

Cross References: Policy 3207 Prohibition of Harassment, Intimidation and Bullying
3210 Nondiscrimination
3240 Student Conduct
3421 Child Abuse, Neglect and Exploitation Prevention
5010 Nondiscrimination and Affirmative Action
5281 Disciplinary Action and Discharge

Legal References: RCW 28A.640.020 Regulations, guidelines to eliminate discrimination — Scope—Sexual harassment policies
WAC 392-190-056-058 Sexual harassment

Management Resources:

Adoption Date: 03.23.93
Washougal School District
Revised: 11.28.95; 06.26.07; 05.28.13

Policy 5011, p. 2 of 2
Sexual Harassment

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, although staff will always inform complainants of their right to and the process for filing a formal complaint. Staff will also direct potential complainants to an appropriate staff member who can explain the informal and formal complaint processes and what a complainant can expect. 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. Informal remedies include:

A. An opportunity for the complainant to explain to the alleged harasser that his or her conduct is unwelcome, offensive or inappropriate, either in writing or face-to-face;

B. 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; or

C. A general public statement from an administrator in a building reviewing the district sexual harassment policy without identifying the complainant.

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

Formal Complaint Process:

Anyone may initiate a formal complaint of sexual harassment, even if the informal complaint process is being utilized. Potential complainants who wish to have the district hold their identity confidential will be informed that the district will almost assuredly face due process requirements that will make available to the accused all of the information that the district has related to the complaint. The district will, however, fully implement the anti-retaliation provisions of this policy to protect complainants and witnesses. Student complainants and witnesses may have a trusted adult with them during any district-initiated investigatory activities. The superintendent or designated compliance officer may 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 following process will be followed:

A. The compliance officer will receive and investigate all formal, written complaints of sexual harassment, or information in the compliance officer's possession that the officer believes requires further investigation.

B. All formal complaints will be in writing; will be signed by the complainant; and will set forth the specific acts, conditions or circumstances alleged to have occurred and to constitute sexual harassment. The compliance officer may draft the complaint based on the report of the complainant, for the complainant to review and sign.

C. When the investigation is completed the compliance officer will compile a full written report of the complaint and the results of the investigation. If the matter has not been resolved to the complainant's satisfaction, the superintendent will take further action on the report.

D. The superintendent will respond in writing to the complainant and the accused within thirty days stating:

1. That the district does not have adequate evidence to conclude that harassment occurred:
2. Corrective actions that the district intends to take; and/or
3. That the investigation is incomplete to date and will be continuing.

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

Appeal Procedure

A. Level One
If a complainant remains aggrieved as a result of the action or inaction of the superintendent in resolving a complaint, the complainant may appeal to the board of the district by filing a written notice of appeal with the secretary of the board by the 10th calendar day following:

1. The date upon which the complainant received the superintendent's response, or
2. The expiration of the 30-calendar day response period based on the receipt of the complaint by the school district, whichever occurs first; and
3. The board will schedule a hearing to commence by the 20th calendar day following the filing of the written notice of appeal. Both parties will be allowed to present such witnesses and testimony as the board deems relevant and material. The board will render a written decision by the 10th calendar day following the termination of the hearing and will provide a copy to the complainant.

B. Level Two
If a complainant remains aggrieved as a result of the decision of the board in resolving a complaint, the complainant may appeal to the Superintendent of Public Instruction by filing a written notice of appeal with the Superintendent of Public Instruction by the 10th calendar day following the date upon which the complainant received written notice of the board’s decision.

The Superintendent of Public Instruction will schedule a hearing to commence by the 40th calendar day following the filing of the written notice of appeal. The notice of appeal must state the areas of disagreement and the relief requested.

Appeals to the Superintendent of Public Instruction will be conducted de novo and in accordance with the state Administrative Procedures Act. The complainant will present his or her case and the school district will defend the decision rendered by the board.

Training and Orientation

A fixed component of all district orientation sessions for staff, students and regular volunteers will introduce the elements of this policy. 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 policy and procedure. Certificated staff will be reminded of their legal responsibility to report suspected child abuse, and how that responsibility may be implicated by some allegations of sexual harassment. Regular volunteers will get the portions of this component of orientation relevant to their rights and responsibilities. Students will be provided with age-appropriate information on the recognition and prevention of sexual harassment and their rights and responsibilities under this and other district policies and rules at student orientation sessions and on other appropriate occasions, which may include
parents. Parents will be provided with copies of this policy and procedure and appropriate materials on the recognition and prevention of sexual harassment.

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:

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

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

The board 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 that the staff serves.

“Workplace” is defined to mean the site for the performance of work done, which includes work done in connection with a federal grant. That includes any school building or any school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school 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 jurisdiction of the school district which could also include work on a federal grant.

For these purposes, the board declares that the following behaviors will not be tolerated:

A. Reporting to work under the influence of alcohol, illegal and/or controlled substances, including marijuana (cannabis).
B. Using, possessing, transmitting alcohol, illegal and/or controlled substances, including marijuana (cannabis and anabolic steroids) in any amount or in any manner on district property at any time or when involved in a school district activity on or off school district property. Any staff member convicted of a felony attributable to the use, possession, or sale of illegal chemical substances or opiates will be subject to disciplinary action, including immediate termination.
C. Using district property or the staff member's position within the district to make or traffic alcohol, illegal and/or controlled substances, including marijuana (cannabis).
D. Using, possessing or transmitting illegal and/or controlled substances, including marijuana (cannabis).
E. The board prohibits the posting of any sign or advertisement on district property that promotes alcoholic beverages, tobacco products or any illegal substance for student consumption.

Any staff member who is taking a drug or medication, whether or not prescribed by the staff member's physician, which may adversely affect that staff member's ability to perform work in a safe or productive manner, is required to report such use of medication to his or her supervisor. This includes drugs which are known or advertised as possibly affecting judgment, coordination, or any of the senses, including those which may cause drowsiness or dizziness. The supervisor, in conjunction with the district office, 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 will notify his or her supervisor of a conviction under any criminal drug statute violation occurring in the workplace as defined above. Such notification will be provided no later than 5 days after such conviction. The district will inform the federal government within ten days of such conviction, regardless of the source of the information.

Each employee will be notified of the district's policy and procedures regarding employee drug activity at work. Any staff member who violates any aspect of this policy may be subject to disciplinary action, which may include immediate discharge. As a condition of eligibility for reinstatement, an employee may be required to satisfactorily complete a drug rehabilitation or treatment program approved by the board, at the employee's expense. Nothing in this policy will
be construed to guarantee reinstatement of any employee who violates this policy, nor does the school district incur any financial obligation for treatment or rehabilitation ordered as a condition of eligibility for reinstatement.

The district may notify law enforcement agencies regarding to staff member’s violation of this policy at the district’s discretion or take other actions as it the district deems appropriate.

Cross References:  
- Board Policy 4215 Use of Tobacco and Nicotine Substances on School Property  
- Board Policy 5203 Staff Assistance Program  
- Board Policy 5280 Termination of Employment

Legal References:  
- RCW 69.50.435 Violations committed in or on certain public places or facilities — Additional penalty — Defenses — Construction — Definitions  
- 21 U.S.C. § 812 Controlled Substance Act  
- 20 U.S.C §§ 7101-7118 Safe and Drug-Free Schools and Communities Act  
- 41 U.S.C. §§ 8103 Drug Free Workplace Act Requirements for Federal Grant Recipients

Management Resources:  
- Policy News, February 1999  
- Bus drivers still tested for marijuana

Adoption Date: 05.14.91  
Washougal School District  
Revised: 05.23.95; 03.27.12; 05.28.13
Maintaining Professional Staff/Student Boundaries

The purpose of this policy is to provide all staff, students, volunteers and community members with information to increase their awareness of their role in protecting children from inappropriate conduct by adults.

The board expects all staff members to maintain the highest professional, moral and ethical standards in their interaction with students. Staff members are required to maintain an atmosphere conducive to learning, through consistently and fairly applied discipline and established and maintained professional boundaries.

The interactions and relationships between staff members and students should be based upon mutual respect and trust, an understanding of the appropriate boundaries between adults and students in and outside of the educational setting, and consistency with the educational mission of the schools.

Staff members will not intrude on a student’s physical and emotional boundaries unless the intrusion is necessary to serve an educational or physical, mental and/or emotional health purpose. An educational purpose is one that relates to the staff member’s duties in the district. Additionally, staff members 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 will discuss issues with their building administrator or supervisor whenever they suspect or are unsure whether conduct is inappropriate or constitutes a violation of this policy.

The board supports the use of technology to communicate for educational purposes. However, district employees are prohibited from inappropriate online socializing or from engaging in any conduct on social networking Web sites that violates the law, district policies or other generally recognized professional standards. Employees whose conduct violates this policy may face discipline and/or termination, consistent with the district’s policies, acceptable use agreement 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 policy.

Legal References:

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<tr>
<th>Code</th>
<th>Description</th>
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<tbody>
<tr>
<td>RCW 28A.400.320</td>
<td>Crimes against children</td>
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<tr>
<td>28A.405.470</td>
<td>Crimes against children - Mandatory termination of certificated employees</td>
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<tr>
<td></td>
<td>— Appeal — Recovery of salary or compensation by district</td>
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<tr>
<td>28A.405.475</td>
<td>Termination of certificated employee based on guilty plea or conviction of</td>
</tr>
<tr>
<td></td>
<td>certain felonies — Notice to superintendent of public instruction -</td>
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<td>Record of notices</td>
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<tr>
<td>28A.410.090</td>
<td>Revocation or suspension of certificate or permit to teach — Criminal basis</td>
</tr>
<tr>
<td></td>
<td>— Complaints — Investigation - Process</td>
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| 28A.410.095                       | Violation or noncompliance — Investigatory powers of
Policy No. 5253
Personnel

Requirements for investigation of alleged sexual misconduct towards a child — Court orders — Contempt — Written findings required

Revocation of authority to teach — Hearings

28A.410.100

Chapter 181-87 WAC

Professional Certification — Acts of Unprofessional Conduct
Sexual Misconduct, Verbal and Physical Abuse - Mandatory Disclosure — Prohibited Agreements

Adoption Date: 06.08.10
Washougal School District
Revised: 05.28.13
Policy 5253, p. 2 of 2
Maintaining Professional Staff /Student Boundaries

The purpose of this procedure is to provide all staff, students, volunteers and community members with information to increase their awareness of their role in protecting children from inappropriate conduct by adults.

In a professional staff/student relationship, school employees maintain boundaries that are consistent with the legal and ethical duty of care that school personnel have for students.

A boundary invasion is an act or omission by a school employee that violates professional staff/student boundaries and has the potential to abuse the staff/student relationship.

An inappropriate boundary invasion means an act, omission, or pattern of such behavior by a school employee that does not have an educational purpose; and results in abuse of the staff/student professional relationship.

Unacceptable Conduct

Examples of inappropriate boundary invasions by staff members include but are not limited to the following:

A. Any type of inappropriate physical contact with a student or any other conduct that might be considered harassment under the board’s policy on Harassment and Sexual Harassment of Students;
B. Showing pornography to a student;
C. Singling out a particular student or students for personal attention and friendship beyond the professional staff-student relationship;
D. Socializing where students are consuming alcohol, drugs or tobacco;
E. 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;
F. Sending students on personal errands unrelated to any educational purpose;
G. Banter, allusions, jokes or innuendos of a sexual nature with students;
H. Disclosing personal, sexual, family, employment concerns or other private matters to one or more students;
I. Addressing students or permitting students to address staff members with personalized terms of endearment, pet names or otherwise in an overly familiar manner;
J. Maintaining personal contact with a student outside of school by phone, e-mail, instant messenger or Internet chat rooms, social networking websites, or letters (beyond homework or other legitimate school business) without including the parent/guardian;
K. Exchanging personal gifts, cards or letters with an individual student;
L. 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;
M. Giving a student a ride alone in a vehicle in a non-emergency situation; and/or
N. Unnecessarily invading a student’s privacy, (e.g. walking in on the student in the bathroom).
O. Employing a student to do work at the personal residence or property of the staff member. Exceptions to this prohibition would be made if the student is also a relative and/or the child of parents whom the staff member knows through means that are independent of the staff member’s employment with the district, (e.g. church, neighbors, personal friends.)

In the case of a staff member employing students in a private business, the staff member must follow state laws guiding the employment of minors, and insure that the building principal has been notified in writing of the employment of the student. Staff members associating with students outside the school setting must be cognizant of the potential appearance of impropriety, as outlined in the section below.

**Appearances of Impropriety**

The following activities are boundary invasions and can create an actual impropriety or the appearance of impropriety. Whenever possible, staff should avoid these situations. If unavoidable these activities should be pre-approved in writing by the appropriate administrator. If not pre-approved, the staff person must report the occurrence in writing to the appropriate administrator as soon as possible.

A. Being alone with an individual student out of the view of others;
B. Inviting or allowing individual students to visit the staff member’s home;
C. Visiting a student’s home; and/or
D. Social networking with students for non-educational purposes.

**Reporting Violations**

Students and their parents/guardians are strongly encouraged to notify the principal (or other administrator) if they believe a teacher or other staff member may be engaging in conduct that violates this policy.

Staff members are required to promptly notify the principal or the supervisor of the employee suspected of engaging in inappropriate conduct that violates this policy.

The administrator to whom a boundary invasion concern is reported must document, in writing, the concern and provide a copy of the documentation to the director in charge of the district’s human resources department. The director in charge of human resources will maintain a separate non-personnel file of all boundary invasion reports made to human resources.

Whenever boundary invasion concerns occur, the person in charge of human resources will review the full history of concerns relating to the person complained about and will provide a summary to the superintendent.

All professional school personnel who have reasonable cause to believe that a student has experienced sexual abuse by a staff member, volunteer, or agency personnel working in the school are required to make a report to Child Protective Services or law enforcement pursuant to board policy and procedure 3421, *Child Abuse, Neglect and Exploitation Prevention*, and RCW 26.44. Reporting suspected abuse to the building principal or supervisor does not relieve professional school personnel from their reporting responsibilities and timelines.

**Disciplinary Action**

Staff violations of this policy 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 policy on Reporting Child Abuse and Neglect.
Training
All new employees and volunteers will receive training on appropriate staff/student boundaries within three months of employment. Continuing employees will receive training every three years.

Dissemination of Policy and Reporting Protocols
This policy and procedure will be included on the district website and in all employee, student and volunteer handbooks. Annually, all administrators and staff will receive copies of the district’s reporting protocol.

Student—Definition.
As used in this chapter, the term "student" includes not only those students under the direct supervision of the staff member, but also all students enrolled in the district and former students under the age of eighteen.
Reporting Improper Governmental Action (Whistleblower Protection)

The district encourages the reporting, consistent with the superintendent’s procedures, of improper governmental actions by any district officers or employees and will protect employees against retaliatory employment actions for reporting improper governmental actions when the reports are made in compliance with this policy and related procedure.

District officers and employees are prohibited from taking retaliatory action against an employee because the employee has in good faith reported alleged improper governmental action in accordance with this policy and related procedure.

The superintendent will establish procedures for receiving and acting on employee reports of improper governmental actions and responding to allegations of retaliation.

Legal References: Chapter 42.41 RCW Local Government Whistleblower Protection

Adoption Date: 04.27.93
Washougal School District
Revised: 05.28.13
Reporting Improper Governmental Action

Definitions: As used in this policy and procedure, the following terms will have the meanings indicated.

A. “Improper governmental action” means any action by a district officer or employee:
   1. That is undertaken in the performance of the officer or employee’s official duties, whether or not the action is within the scope of the employee’s job; and
   2. That (i) is in violation of any federal, state or local law or rule, (ii) is an abuse of authority, (iii) is of substantial and specific danger to the public health or safety, or (iv) is a gross waste of public funds.

Improper governmental action does not include personnel actions.

B. “Retaliatory action” means any adverse change in the terms and conditions of a staff member’s employment.

C. “Emergency” means a circumstance that if not immediately changed may cause damage to persons or property. Employees are encouraged to report instances which they believe constitute governmental misconduct.

Reporting:

Employees who become of aware of actions that they believe constitute improper governmental action should raise the issue first with their supervisor. If requested by the supervisor, the employee will submit a written report to the supervisor or designee, stating in detail the basis for the employee’s belief that an improper governmental action has occurred.

Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise the issue directly with the superintendent or the person whom the superintendent has designated to receive reports of improper governmental action.

In case of emergency where the employee believes that damage to persons or property may result if action is not taken immediately, or where the employee has a legal obligation to report (for instance, where child abuse is suspected), the employee will report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action.

District employees who fail to make a good faith attempt to follow this policy and procedure in reporting improper governmental conduct will not be eligible for the protection outlined.

Response:

The employee’s supervisor, the superintendent or the superintendent’s designee will take prompt action to see that the report of improper governmental action is properly investigated.

Persons involved in the investigation will keep the identity of reporting employees confidential to the extent possible under law, unless the employees authorize the disclosure of their identities in writing.

After an investigation has been completed, the reporting employee will receive a summary of the investigation results, except to the extent that resulting personnel actions must be kept confidential. If a reporting employee reasonably believes that an adequate investigation was not done by the district, that insufficient action has been taken, or that the improper governmental action is likely to recur, the employee may report information about the improper governmental action directly to the appropriate government agency.
Retaliation:
Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their supervisor, the superintendent or the superintendent’s designee. Appropriate action to investigate and address complaints of retaliation will be taken.

If the complaint cannot be informally resolved, the employee will provide written notice to the superintendent that specifies the alleged retaliatory action and the relief requested by the employee. The written complaint must be filed within thirty days of the alleged retaliation. The district will respond to the complaint within thirty days of receiving the written notice.

If the employee alleging retaliation receives no response from the district or objects to the district’s response, the employee may request a hearing before a state administrative law judge. The request for a hearing must be delivered in writing to the superintendent either fifteen days following the district’s response, or 45 days after the complaint was filed, if there was no response.

The district will apply for a hearing within five working days to:
- Office of Administrative Hearings
  P. O. Box 42488
  919 Lakeridge Way SW
  Olympia, Washington 98504-2488
  (360) 407-2700

The district will consider any recommendation provided by the administrative law judge that an employee found to have retaliated against an employee who reported improper governmental action be suspended with or without pay or dismissed.

Administration:
A summary of this policy and procedure will be permanently posted where all employees will have reasonable access to it, the policy and procedure will be made available to any employee who requests them, and the policy and procedure will be given to all new employees.

The following is a list of agencies responsible for enforcing federal, state and local laws and investigating issues involving potential improper governmental action. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact their supervisor, the superintendent or designee.
Civility

Purpose. The Washougal School District believe 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 interferes with the productivity of the work environment and can negatively impact the learning environment for students.

The Washougal School District Board of Directors encourages administrators, faculty, staff, students, volunteers, parents, and other community members to participate in maintaining a clear expectation of civil conduct and problem-solving throughout the school district. The Board does not 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 policy is three-fold:

1) To promote a work and learning environment that is safe, productive and nurturing 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 policy, “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 his/her 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 express 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, (2) such expression does not materially disrupt, and may not be reasonably anticipated to disrupt, the educational process, and (3) the content of the expressed idea is reasonably related to district business.

Expectations. In support of this policy, 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 policy. Specific procedures appropriate to the needs of staff, students, 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 policy and its related procedures to resolve concerns.

School Leadership Teams and Site Councils are encouraged to guide, support, and evaluate local efforts to establish and reinforce a culture of civility and respect for all.

This policy seeks to promote a school culture of respect and civility. Severe or persistent acts of uncivil conduct may, however, violate other school rules, such as the District’s policies against harassment and sexual harassment, or specific conduct codes. Violation of such policies may result in further action, such as discipline, adverse employment action, or criminal charges, as applicable. Nothing in this policy 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 policy regularly in the context of issues that occur.

**Severability Clause.** If any part of this policy 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: Policy 3207 Prohibition of Bullying and Harassment
Policy 3240 Student Conduct and Discipline
Policy 3260 Notification of Threats
Policy 4314 Notification of Threats of Violence or Harm
Policy 5011 Sexual Harassment
Policy 5121 Unprofessional Conduct
Policy 5253 Maintaining Professional Staff-Student Boundaries
Policy 5270 Resolution of Staff Complaints
Policy 5281 Disciplinary Action and Discharge
Civility

Policy 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 school 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 his or her 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 Washougal School 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 a Washougal School District employee, they should follow the steps outlined in 4220: Complaints Concerning Staff and Programs.

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 Washougal School District, they should follow the steps outlined below:

   **Step 1:** Within two (2) 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 Washougal School District.

*Note: At all times, the Executive Director of Personnel 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 Washougal School District, they should follow the steps outlined below:

**Step 1:** Within two (2) 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 Washougal School District.

*Retaliation toward any person making proper use of District policies and procedures is unacceptable and will not be tolerated.*
**REPORTING FORM for Policy 5282 - Civility**

| Name of Employee who has been treated disrespectfully, threatened, harassed/intimidated or bullied: | Phone: __________________________ |
| Work Location: ___________________________ Supervisor Name: __________________________ |
| Mailing Address: _____________________________________________________________________ |

Check any that describe the incident:  
- Bullying  
- Harassment or Intimidation  
- Sexual Harassment  
- Obscene or profane gesture  
- Disrespect  
- Threat

| Name of individual(s) being reported: |
| Name(s): __________________________________________________________________________ |

- Student  
- Employee  
- Parent  
- Community Member  
- Other: __________________________

When and where did the incident happen?  
Date: ____________________  Time of Day: ____________  For about how long: ___minutes ___hours  
Specific Location: ___________________________________________________________________

What happened? Write a brief summary of the incident:  
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________

Who else might know something about this incident or what happened?  
Name(s): __________________________________________________________________________

Has this incident or something like it ever happened before?  
- Yes  
- No  
If yes, when did it happen before?  
Date: ____________________  Location: ___________________________________________________________________

Have you spoken directly with the individual being reported?  
- Yes  
- No  
Have you spoken with your supervisor or with the individual’s supervisor?  
- Yes  
- No  
If the individual is a student, have you talked to his/her:  
- Teacher?  
- Yes  
- No
- Parent?  
- Yes  
- No

Verification/Signature: This information is true and accurate.  
Print Name: ___________________________ Signature: ___________________________ Date: ____________

06/2014