



WASHOUGAL
SCHOOL
DISTRICT

Staff Policy Handbook

2017-2018

Washougal School District Staff Handbook 2017-2018

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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.

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)

Course Design, Selection and Adoption of Instructional Materials

The board recognizes its responsibility for the improvement and growth of the educational program of the schools. To this end, the course designs shall be evaluated, adapted and developed on a continuing basis. Instructional materials shall be selected to ensure alignment with state learning standards and enable all students to master foundational skills and knowledge to achieve college and career readiness.

Definitions

For the purpose of policy and procedure 2020, the following definitions will apply:

Course Design is the process that includes identifying and sequencing essential content supporting students' skill development towards state learning standards. Course design involves providing appropriate instructional materials, professional development, and support systems for teachers as they implement the course.

Instructional Materials are all materials designed for use by students and their teachers as learning resources to help students to acquire facts, skills, and/or to develop cognitive processes. These instructional materials, used to help students meet state learning standards, may be printed or digital, and may include textbooks, technology-based materials, other educational media, and assessments. They may carry different licensing types from open to all rights reserved. For the purposes of this policy, there are five categories of instructional materials:

Core Instructional Materials are the primary instructional resources for a given course. They are district-approved and provided to all students to help meet learning standards and provide instruction towards course requirements.

Alternative Core Materials are the primary instructional materials for a given course that are used with a subset of students. These materials are intended to replace approved core materials and may be used for specialized course offerings or flexible learning environments.

Intervention Materials are designed to support strategic or intensive intervention for students who are at risk of not meeting established learning standards. Intervention materials are used with students to accelerate progress toward particular learning goals based on systematic assessment, decision-making, and progress monitoring.

Supplemental Materials are used in conjunction with the core instructional materials of a course. These items extend and support instruction. They include, but are not limited to, books, periodicals, visual aids, video, sound recordings, computer software and other digital content.

Temporary Supplemental Materials are those items used in conjunction with the core instructional materials of a course that are of interest or value for a short period of time and are chosen within district-established guidelines. They are not intended to supplant the adopted curriculum nor be used on a regular instructional basis. Examples might

include timely articles from relevant, reliable sources, websites, or news broadcasts. The use of temporary supplemental materials for time periods of over one year requires consideration of the material as either part of the core instructional material for a course or supplemental material for the course depending on the nature and scope of the material.

Instructional Materials Committee is the body that makes core instructional materials adoption recommendations to the School Board based on superintendent-established procedures.

Course Design

The superintendent or designee will establish procedures for course design that:

- Provide for the regular review of selected content areas and implementation of any suggested changes.
- Provide for involvement of community representatives and staff members at appropriate times.

Selection and Adoption of Instructional Materials

The primary objective in selecting instructional materials is to implement, enrich and support the educational program of the schools. All instructional materials will be selected in conformance with:

- A. Applicable state and federal laws;
- B. Goals and/or learning standards of the district and state; and
- C. Procedures established by the instructional materials committee which address the criteria detailed in the corresponding procedure 2020P.

The board is responsible for the adoption of all core materials used in the district.

The superintendent, or designee, will establish procedures for core material, alternate core, and intervention material selection and adoption using criteria around evidence-based practices.

The superintendent will ensure that a listing of all core instructional materials used within the school curriculum is maintained in the district and is available for public review either in-person or online.

The intent of the board is that the superintendent delegate responsibility for examining, evaluating, and selecting all supplemental and temporary supplemental materials to the professional staff of the district. This includes preparing all student reading lists. Staff will rely on reason and professional judgment in the selection of high quality supplemental materials that align to state learning standards and are appropriate for the instructional program and developmental level and interests of their students.

Legal References:	RCW 28A.150.230	Basic Education Act — District school directors responsibilities
	RCW 28A.320.170	Tribal history and culture [as amended by SSB 5433]

RCW 28A.320.230	Instructional materials — Instructional materials committee
RCW 28A.405.060	Course of study and regulations — Enforcement — Withholding salary warrant for failure
Chapter 28A.640 RCW	Sexual Equality
WAC 180-44-010	Responsibilities related to instruction
WAC 392-190-055	Textbooks and instructional materials—Scope Elimination of sex bias—compliance timetable

Management Resources:
2015 – December Issue

Course Design, Selection and Adoption of Instructional Materials

For the purposes of this procedure, the definitions from Policy 2020 will apply.

District course design and core instructional materials should be regularly reviewed to ensure their ongoing alignment with state law, teaching and learning standards, and research-based best practices. All students will receive high quality core instruction and, as appropriate, strategic and intensive intervention supports matched to student needs.

Course Design

Existing Courses

The superintendent or designee will establish a regular cycle of course design review and development that includes examination by review committees composed of district subject area coordinators and, as appropriate, external content area experts. This review cycle should be based on student need, changing demographics and funding. The cycle should cover each content area to ensure current course relevance. The course design process should review:

- Relevance, rigor, and alignment to state learning standards;
- Efficacy of core, alternative core, and intervention instructional materials that support student learning; and
- Processes and resources used to assess student progress and address teacher professional learning.

Recommendations of this review may lead to:

- Affirmation of continued use of current processes and instructional materials;
- Establishment of a timeline for completion of recommended tasks;
- Creation and assignment of tasks to subcommittees as required to select, write or revise the course design;
- Recommendation of new instructional materials selection to the Instructional Materials Committee;
- Design of course implementation and staff development plans;
- Identification of projected budget needs in accordance with established timelines; and/or
- Maintained communications with impacted stakeholders.

Social studies curriculum review or adoption

In compliance with RCW 28A.320.170, when the board adopts or reviews the district's social studies curriculum, it will incorporate history, culture and government of the nearest federally recognized Indian tribe or tribes utilizing curriculum available on the OSPI website. The district may modify the OSPI curriculum to incorporate elements that have a regionally specific focus or may incorporate the curriculum into existing instructional materials.

During regularly scheduled reviews and revisions of their social studies and history curriculum thereafter, the district will collaborate with any federally recognized Indian

tribe within its boundaries and with neighboring Indian tribes to expand and improve instructional materials about Indian tribes and to create programs of classroom and community cultural exchange.

The district will collaborate with the office of the superintendent of public instruction on curricular areas regarding tribal government and history that are statewide in nature.

New Courses or Major Modifications to Existing Courses

New course offerings or major course modifications that propose significant changes to course objectives or scope will be reviewed by the superintendent or designee prior to being scheduled to ensure that the course is rigorous, utilizes appropriate instructional materials, and is a carefully considered part of the school’s college and career pathways.

When the implementation of new or modified courses requires the adoption of new instructional resources, those resource recommendations will be forwarded to the Instructional Materials Committee for consideration by the process outlined below.

Selection and Adoption of Instructional Materials

For the purposes of this procedure, instructional materials used in the school district will be classified as core, alternative core, intervention, supplemental, and temporary supplemental and shall be selected according to the procedures that follow. The principal is responsible for ensuring the continuing familiarity of his/her certificated staff with the requirement of this policy and procedure. The district office will provide such technical assistance as may be necessary to accomplish this.

Roles and Responsibilities in the Selection and Adoption of Instructional Materials

Instructional Material Type	Role				
	Certificated Teaching Staff	Principal	Superintendent	Instructional Materials Committee (IMC)	School Board
Core material	identify		establish adoption procedure	recommend	adopt
Alternative core	identify		designate selector		
Intervention	identify		designate selector		
Supplemental	identify	designate selector			
Temporary Supplemental	select – within district guidelines				

Instructional Material Delivery Formats

Instructional materials may be delivered in many formats, and may include textbooks, technology-based materials, or other educational media.

Open Educational Resources

Open Educational Resources (OER) are teaching and learning resources that reside in the public domain or have been released under an intellectual property license that permits their free use and re-purposing by others. A wide variety of free, high quality instructional content is available from supplemental to core instructional materials. District staff are encouraged to consider OER when selecting instructional materials. OER are subject to the same selection and adoption procedures as other instructional materials outlined in this document.

Technology-based Resources

When instructional materials are technology based, district educational technology staff should be consulted regarding the technological impacts of the suggested program. Equity of access for students and teachers must be considered for all core materials delivered in digital formats.

Core Instructional Material Selection

Instructional Materials Committee

The Instructional Materials Committee (IMC) is formed to establish and monitor such procedures as may be necessary for the evaluation and recommendation of core materials used by the district in conformance to stated criteria. The committee will act upon requests for core material approval and will evaluate and act upon citizens' requests for reconsideration of core materials.

Committee meetings will be held on a schedule determined by the district. Special meetings may be called by the committee chairman if necessary. The committee secretary will provide department heads, principals, and program developers with copies of the committee meeting schedule.

The committee will consist of: the superintendent or designee; a secretary, two building principals (one representing elementary and one representing secondary); two teachers (one representing elementary and one representing secondary); and one at-large parent. Instructional Materials Committees may include parents, but state law provides that parents must make up less than one-half the committee.

Members will be appointed by the superintendent or designee through the district's committee process. The chairman and the secretary will be permanent members of the committee. Other members will have three-year terms. Temporary appointments of one year or less may be made to fill vacancies.

Criteria for Selection of Core Instructional Materials

Core instructional materials shall be selected based upon the degree to which they:

- A. Demonstrate likelihood of impact as shown by scientific or evidence-based research;

- B. Enable implementation of the district’s developed curriculum and meet state standards and College Readiness requirements;
- C. Provide sufficient flexibility to meet the varied needs and abilities of the students served;
- D. Provide clear and appropriate differentiation components for English Language Learners, special education students, students with academic opportunity gaps, and highly capable students;
- E. Where appropriate, present balanced but differing views of issues, controversial or otherwise, in order that students may develop critical analysis and informed decision-making skills;
- F. Demonstrate consideration of appropriate format(s) (including technological, visual, and/or auditory components);
- G. Support an equitable access to learning and learning materials for all students; including the provision of appropriate, high-quality accessible instructional materials to all students with disabilities who require them; and
- H. Are free of stereotyping and gender, race, class, and other forms of bias, recognizing that under certain circumstances biased materials may serve as appropriate resources to present contrasting and differing points of view, and biased materials may be employed in order to teach students about bias, stereotyping, and propaganda in historical or contemporary contexts. *The Washington Models for the Evaluation of Bias Content in Instructional Materials*, published by the Office of Superintendent of Public Instruction (OSPI) should be consulted in the selection process to further to the goal of eliminating content bias:
<https://www.k12.wa.us/CurriculumInstruct/InstructionalMaterialsReview.aspx>.

Identification of Core Instructional Materials

Core materials shall be initially selected by such certificated staff as the superintendent or designee may assign. Materials must meet the Criteria for the Selection of Core Materials above.

Recommendation of Core Instructional Materials

The IMC will receive recommended district material proposals through superintendent-assigned staff. Core material will be reviewed according to superintendent-established procedures to ensure compliance with the above selection criteria and by using instructional material evaluation tools listed on the OSPI website:

<https://www.k12.wa.us/CurriculumInstruct/InstructionalMaterialsReview.aspx>

Based on their evaluation, the IMC will recommend instructional materials to the board for adoption.

Adoption of Core Instructional Materials

Core material will be approved by the board prior to their use in classrooms. Texts selected previously are exempt from this requirement.

Regularly Scheduled Core Material Updates

Any courses using OER as their core material shall annually convene a representative group of district teachers of the course to revise and improve the core material. Adaptations shall be based on teacher and student suggestions and data from state or district assessments identifying areas of lower student performance. Revised versions of the core material will be implemented for the following school year.

If the adaptations to the core material results in significant changes to course objectives or scope, the revised resource shall be forwarded to the Instructional Materials Committee for consideration and, formal recommendation for board adoption.

Exceptional Needs or Rapidly Changing Circumstances

The superintendent or designee may authorize the acquisition of alternative core instructional materials to meet exceptional needs or rapidly changing circumstances. However, expanded use of core instructional materials selected for exceptional needs will require adoption through the formal process.

College in the High School, Advanced Placement (AP), and/or International Baccalaureate (IB)

College in the High School, AP, and/or IB courses may have varying course designs as necessitated by their course credit transfer requirements.

Field Testing

The superintendent or designee may consider the use of field testing as part of the adoption process. Field testing can provide a flexible opportunity to investigate the effectiveness of curricular approaches, instructional materials, and/or assessment resources through careful experimentation for an identified purpose based on student needs.

Trial-use core instructional material of an experimental, field-test nature may be authorized for use by the superintendent for a period of no more than one school year prior to adoption through the formal process.

Citizen Access to View Core Materials

Members of the community are invited to review any core instructional materials in current or proposed use. Such review may be accomplished at the school, in the district office, or online. The review and examination process should be arranged in a way to avoid disrupting the educational program. The review of core materials should be undertaken with the knowledge of district objectives in mind.

Intervention Instructional Material Selection

Instructional materials designed to support strategic or intensive intervention for students who are at risk of not meeting established learning standards will be approved by the superintendent or designee based upon evidence from reputable sources (e.g., National Center on Response to Intervention, Johns Hopkins Best Evidence Encyclopedia).

Alternative Core Instructional Material Selection

The superintendent, or designee, will establish procedures through which schools may be

approved to use alternative core materials for specialized course offerings or flexible learning environments. In many cases, the superintendent may decide that selection of these alternative core materials be made by certificated staff designated by the building principal.

Supplemental Material Selection

Supplemental materials will not require IMC approval or board adoption.

The superintendent shall delegate responsibility for examining, evaluating, and selecting all supplemental and temporary supplemental materials to the principal or professional staff of the district. This includes preparing all student reading lists using state standards-aligned resources/repositories. Staff will rely on reason and professional judgment in the selection of high quality supplemental materials that align to state learning standards and are appropriate for the instructional program and developmental level and interests of their students. While supplemental materials do not require item-by-item approval of the IMC, staff are expected to thoroughly preview such materials and to give due consideration to the text complexity, developmental level of students; appropriateness of language or images; bias against racial, gender, ethnic, or other social groups; and other sensitive issues.

Temporary Supplemental Material Selection

Professional staff of the district will rely on reason and professional judgment in the selection of high quality temporary supplemental materials that are appropriate for the instructional program and developmental level and interests of their students.

Protest Procedure for Instructional Materials

When a parent/guardian or employee challenges any instructional materials used or restricted from use in the schools, the following steps should be taken:

1. Concerns should first be discussed with the certificated teacher and/or the school principal. All parties are urged to resolve the concern at this level.
2. If the concerns cannot be resolved through discussion at the school level, the following steps will be taken and the challenged instructional material will continue to be used until a decision is rendered:
 - a. If the challenged instructional material is supplemental in nature, at a parent's written request to the principal, the supplemental material may be asked to be withdrawn from their student. The principal shall facilitate a meeting of the complainant(s) and appropriate school staff. Following the meeting, the principal shall respond with a written decision. If warranted by the scope of the supplemental material, an appeal may be submitted to the superintendent or designee requesting review by the Instructional Materials Committee and a written decision.
 - b. If the instructional material is core, alternative core, or intervention material, the parent/guardian or employee may register a request for reconsideration with the Superintendent or designee. This request will be forwarded to the Instructional Materials Review committee. The IMC will

review the complaint and establish a timely process for public consideration of the complaint, if appropriate.

All instructional material reconsideration decisions will be by majority vote of the IMC and are final. Decisions of the committee will be delivered in writing to the superintendent, complainant, and affected staff within ten (10) school business days.

Electronic Resources and Internet Safety

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

Electronic Resources

The district will develop and use electronic resources as a powerful and compelling means for students to learn core subjects and applied skills in relevant and rigorous ways and for staff to educate them in such areas of need. 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.

The superintendent or designee will: 1) create strong electronic resources and develop related educational systems that support innovative teaching and learning; 2) provide appropriate staff development opportunities regarding this policy; and 3) develop procedures to support this policy. The superintendent or designee is authorized to develop procedures and acceptable use guidelines for staff and students as to use of district electronic resources, including those that access Internet and social media, and to regulate use of personal electronic resources on district property and related to district activities.

Internet Safety

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

To promote Internet safety and appropriate online behavior of students and staff as they use electronic resources and access material from the Internet, the superintendent or designee is authorized to develop or adopt Internet safety procedures, acceptable use guideline, and, for students, related instructional materials for every grade level. The superintendent or designee in evaluating such procedures and instructional materials should take into account District electronic resources, community norms, privacy rights, responsible use, and issues of concern with student or staff use of electronic resources.

As a component of district Internet safety measures, all district-owned electronic resources, including computer networks and Wi-Fi, in all district facilities capable of accessing the Internet must use filtering software to prevent access to obscene, racist, hateful or violent material. However, given the ever-changing nature of the Internet, the district cannot guarantee that a student will never be able to access objectionable material.

Further, when students use the Internet from school facilities for educational purposes, district staff will make a reasonable effort to supervise student access and use of the Internet. If material

is accessed that violates district policies, procedures or student guidelines for electronic resources or acceptable use, district staff may instruct the person to cease using that material and/or implement sanctions consistent with district policies, procedures, guidelines, or student codes of conduct.

Cross References:	Board Policy 2020	Curriculum Development and Adoption of Instructional Materials
	2025	Copyright Compliance
	3207	Harassment, Intimidation and Bullying
	3231	Student Records
	3241	Classroom Management, Corrective Actions or Punishment
	4040	Public Access to District Records
	4400	Election Activities
	5281	Disciplinary Action and Discharge

Legal Reference:	18 USC §§ 2510-2522 Pub. L. No. 110-385	Electronic Communication Privacy Act Protecting Children in the 21 st Century Act
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Management Resources:

2015 – June	
2012 – October	
2012 – February	
<i>Policy News</i> , June 2008	Electronic Resources
<i>Policy News</i> , June 2001	Congress Requires Internet Blocking at School
<i>Policy News</i> , 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; 10.20.15

Electronic Resources and Internet Safety

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 Technology Department staff 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 Technology Department staff;
- 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; and
 - F. Staff must make a reasonable effort to become familiar with the Internet and to monitor, instruct and assist effectively.
 - G. The district will provide a procedure for students and staff members to anonymously request access to internet websites blocked by the district's filtering software. The procedure will indicate a timeframe for a designated school official to respond to the request. The requirements of the Children's Internet Protection Act (CIPA) will be considered in evaluation of the request. The district will provide an appeal process for requests that are denied.

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. Violation of any of the conditions of use explained in the Electronic Resources and Internet Safety 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.

Suicide Prevention

The Washougal School District Board of Directors recognizes that suicide is a leading cause of death among youth and that suicidal indicators such as substance abuse and violence are complex issues that should be taken seriously. While district staff may recognize potentially suicidal youth and the district can make an initial risk assessment, the district cannot provide in-depth mental health counseling. Instead, the board directs district staff to refer students who exhibit suicidal behaviors to an appropriate service for further assessment and counseling.

District staff who have knowledge of a suicide threat must take the proper steps to support the student and to report this information to the building principal or designee who will, in turn, notify the appropriate school officials, the student's family and appropriate resource services.

The board also recognizes the need for youth suicide prevention procedures. The district will adopt and, at the beginning of each school year, provide to all district staff, including substitute and regular bus drivers, a plan for recognizing, screening, referring and responding to students in emotional or behavioral distress. At a minimum, the plan will:

- Identify training opportunities for staff on recognizing, screening and referral of students in emotional or behavioral distress, including those who exhibit indicators of substance abuse, sexual abuse, violence or suicide;
- Describe how to utilize the expertise of district staff trained in recognition, screening and referral;
- Provide guidelines, based on staff expertise, for responding to suspicions, concerns or warning signs of emotional or behavioral distress;
- Address development of partnerships with community organizations and agencies for referral of students to support services, to include development of at least one memorandum of understanding between the district and one such entity;
- Contain procedures for communication with parents and guardians, including notification requirements in accordance with RCW 28A.320.160;
- Describe how staff should respond to a crisis situation where a student is in imminent danger to himself or herself or others;
- Describe how the district will provide support to students and staff after an incident of violence, or student suicide or allegations of sexual abuse of a student;
- Describe how staff should respond when allegations of sexual contact or abuse are made against a staff member, volunteer, parent, guardian or family member of the student, including how staff should interact with parents, law enforcement and child protective services;
- Describe how the district will provide certificated and classified staff training on the obligation to report physical abuse or sexual misconduct required under RCW 28A.400.317.

The superintendent will develop and implement the plan and a staff training schedule to achieve the board's goals and objectives.

Cross References: 3211 - Transgender Students
3207 - Prohibition of Harassment, Intimidation and Bullying
2140 - Guidance and Counseling

Legal References: RCW 28A.410.226 Washington professional educator standards board —
Training program on youth suicide screening — Certificates for school
nurses, social workers, psychologists, and counselors — Adoption of
standards.
RCW 28A.410.043 School Counselor Certification
RCW 28A.320.1271 Model school district plan for recognition, initial
screening, and response to emotional or behavioral distress in students.
RCW 28A.320.127 Plan for recognition, screening, and response to emotional
or behavioral distress in students.

Management Resources: 2016 – July Issue
2014 – December Issue
2011 – April Issue

Adoption Date: 04.23.13
Washougal School District
Revised: 03.24.15; 11.22.16

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 Education of Students with Disabilities under Section 504
- 2410 High School Graduation Requirements
- 3231 Student Records
- 3241 Classroom Management, Corrective Actions or Punishment
- 3246 Restraint, Isolation and Other Uses of Reasonable Force
- 4217 Effective Communication

Legal References:

- Chapter 28A.155 RCW Special Education

RCW 28A.600.485	Restraint of students with individualized education programs or plans developed under section 504 of the rehabilitation act of 1973 – Procedures – Definitions
RCW 28A.600.486	District policy on use of isolation or restraint – Notice to parents and guardians of children who have individualized education programs or plans developed under section 504 of the rehabilitation act of 1973
RCW 28A.605.020	Parents’ Access to Classroom or School Sponsored Activities — Limitation
Chapter 49.60 RCW Chapter 392-172A, WAC 29 U.S.C. 794	Discrimination — human rights commission Rules for the Provision of Special Education Section 504 of the Rehabilitation Act of 1973, as amended by the Rehabilitation Act Amendments of 1974, Pub. L. 93-516, 29 U.S.C. 794
20 U.S.C. 1400 et seq. 42 U.S.C. 12131-12133 28 CFR Part 35	Individuals with Disabilities Education Act of 2004 Americans with Disabilities Act of 1990 Nondiscrimination on the Basis of Disability n State and Local Government Services
34 CFR Part 99 34 CFR Part 104	Family Education Rights and Privacy Act (FERPA) 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:

2016 – March Issue	
2014 – June Issue	
2009 – October Issue	
<i>Policy News</i> , December 2007	Updated Special Education Policy and Procedure
<i>Policy News</i> , June 2007	Graduation Ceremonies for Special Education Students
<i>Policy News</i> , December 1999	Rule Adoption Leads to Special Education Policy

Adoption Date: 03.25.08
Washougal School District
Revised: 10.12.10; 04.23.13; 11.04.14

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 may contact the building administrator or the special programs office at (360) 954-3020 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 or designee, 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.

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 parent or student's benefits under a public insurance programs 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 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 private insurance proceeds, the district will:

- A. Obtain parent consent in accordance with Chapter 392-172A WAC each time the district wishes to access 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.

Before first accessing a parent's or student's public benefits, for the first time and annually after the first notification, the district will provide written notification using the prior written notice provisions under WAC 392-172A-05010(3) that includes:

- A. A statement of the parental consent provisions;
- B. A statement of the "no cost" provisions;
- C. A statement that the parents may withdraw their consent to disclose personally identifiable information to the agency responsible for administering the state's public benefits or insurance, and
- D. A statement that a parent's withdrawal or refusal to consent does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.

After providing the required notification, the district will obtain written informed consent from the parent allowing the district to disclose information from the student's educational records to the agency responsible for administering the state's public benefits or insurance programs. The consent will specify:

- A. The personally identifiable information that may be disclosed, such as records or information about the services that may be provided to the student;
- B. The purpose of the disclosure;
- C. The agency to which the disclosure will be made; and
- D. That the parent understands and agrees that the public agency may access the parent's or student's public benefits or insurance to pay for services under the act.

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.

The IEP case managers are responsible for providing the required notices and requests for consent to parents under this section.

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” is fully defined in Chapter 392-172A-01125 WAC and 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:

- A. The parent/adult student will be notified that the district or the parent may invite others who have knowledge or special expertise of the student; and
- B. The 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.

The student’s evaluation case manager is responsible for notification and formal written invitation to families and adult students for evaluation/eligibility related meetings using the district’s online IEP system. The student’s IEP manager is responsible for notification and formal written invitation to families and adult students for IEP related meetings using the district’s online IEP system.

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.

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. Child Find activities are to reach:

1. Children residing in the school district boundaries including preschool-aged children;
2. Children attending approved, nonprofit private elementary and secondary schools located within the district boundaries-
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 approved, nonprofit private schools located within district boundaries. These consultations will occur via an annual meeting with the private school administrator in the spring of each year with follow-up meetings as needed throughout the year.

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

1. Notification to parents of Child Find activities in its annual informational packet;
2. Information regarding child find on the district's Web site;
3. Notification to private schools located in the district's boundaries;
4. Notifying and coordinating with the designated Part C lead agencies;
5. Early childhood screenings conducted by the district;
6. Coordination with other public and private agencies and practitioners;
7. Written information provided to district staff on referral procedures;
8. Training teachers and administrators on referral/evaluation/identification procedures; and
9. 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 that could result in eligibility for special education services, they will notify the school psychologist assigned to their building or, in the case of preschool-aged children, the Early Childhood Special Education Teacher located at Hathaway Elementary School.

The district's special education department conducts early childhood screenings for ages birth to five. These occur throughout the year and are organized by the special services department.

When parents or others inquire about screenings, the caller will be referred to the special services office.

The screening process involves the following:

1. Parents are asked to provide information to assist in assessing their child; and
2. Children may be 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. School psychologists assigned to each building are 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 either to 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 school psychologist assigned to the building. The school psychologist will: (a) record the referral; (b) provide written notice of the referral to the parent; and (c) advise the 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 building assessment team members 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 evaluation 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 services department.

After the building assessment team reviews the request for evaluation and supporting data, including information provided by the parents, if any, 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 evaluation 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 within 35 school days after the district's receipt of 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 written, informed consent for the evaluation, the evaluation case manager will notify the special services director. The special services director will make a determination as to whether the district wishes to use mediation to seek agreement to evaluate or file a due process hearing to override the parent's refusal to provide written 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. If the parent does not provide written informed consent and the district does not use mediation or due process, the evaluation case manager will provide the parent with prior written notice informing the parent that the district cannot proceed with the evaluation to determine eligibility and is not responsible for providing special education and related services without an initial evaluation to determine eligibility.

Evaluation and Reevaluation

A. Evaluation of Students moving from Part C to Part B and Participation in Transition Planning Conferences

The district will participate in transition planning conferences, arranged by the local lead agency as designee of the 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 will serve as the point of contact with the family resource coordinator for timely execution of transition planning conferences that are arranged at least 90 days before the student's third birthday by the designee of the Part C agency;
2. The district will follow the procedures for obtaining consent and conducting an initial evaluation, if it determines that the student will be evaluated to determine eligibility for Part B services.

The district will follow the procedures for timelines and evaluation requirements for students moving from Part C to Part B. However, students turning three, who were previously determined eligible for early intervention services under Part C of IDEA, will be evaluated for initial eligibility for special education services under Part B of IDEA. The evaluation must be completed in enough time to develop an initial IEP by the date of the student's third birthday.

B. 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. The IEP team or other group of qualified professionals reviews all information gathered in this process.

The evaluation must be an individual assessment designed to determine:

1. Whether the student is eligible for special education and any necessary related services; and,
2. 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 district's special services director or designee 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 allow the district to use 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 services director 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 building assessment 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 documentation regarding how the student has responded to interventions;
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 includes 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 are 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 complete the evaluation using existing data.

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 evaluation case manager 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 will be informed of their dispute resolution options described in the procedural safeguards.

C. Specific Learning Disability (SLD)

The district continues to use the severe discrepancy approach for identifying students with a SLD. The evaluation of students suspected of having a learning disability will be comprehensive and address all areas of suspected disability and will also include whether the child performs adequately to meet the grade-level standards in the general curriculum and a determination that the failure to make progress is not the result of:

1. A physical, mental, emotional, cultural or environmental factor or limited English proficiency; or
2. Inadequate instruction in reading or mathematics.

D. 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 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 school psychologist will notify the parent and obtain the parent's agreement to establish a new timeline.

E. Eligibility

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

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 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.

F. 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.

10. The evaluation case manager (school psychologist or speech language pathologist) 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. All special education notification requirements are to be completed on the district's web-based IEP program.

G. 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 evaluation case manager will schedule a review of this determination and notify the special services 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 prior written 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.
4. If additional testing is needed:
 - a. The evaluation case manager will request written parental consent for reevaluation and provide prior written notice identifying the areas of assessment;

- b. 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. In addition, the district will document its reasonable attempts to obtain consent such as telephone calls, emails, personal contact and other efforts to obtain consent;
- c. If the parents do not respond to the request for consent, and the district has documented its reasonable attempts to obtain consent, the district can proceed with the reevaluation; and
- d. 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 parent's refusal to consent.

After the reevaluation is completed, the evaluation case manager will both invite parents to the eligibility meeting and will provide prior written notice after the meeting of the results of the 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 evaluation case manager is responsible for sending the notice.

At the conclusion of the evaluation process, all due process documents and reports are to be submitted to the special services department within 3 school days.

H. 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 to the student and the parent no less than one month before the student's anticipated last day of school 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. This summary will be provided to the student at the time of the final year's IEP meeting or at the end of the school year. The IEP case manager is responsible for assuring that the IEP team completes the summary of academic achievement and functional performance.

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 has conducted or obtained 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, with consultation with other school personnel, 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 at public expense. A parent is entitled to only one IEE at public expense each time the district has conducted 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 that 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 that would warrant an exception in order to obtain an appropriate evaluation.

Individualized Education Programs (IEP)

A. IEP Development

The term IEP means a written statement for each student eligible for special education that is developed, reviewed, and revised in a meeting in accordance with WAC 392-172A-03095

through WAC 392-172A-03100. The IEP reflects the implementation of instructional programs and other services for students who are eligible for special education services, based on the evaluation of 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 IEP case manager will advise the parent that the district does not have a FAPE obligation to the student. This will be documented in a prior written notice forwarded to the parent and included in the student's file.

The district will maintain a copy of the current IEP that 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 and IEP case manager are 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 participate fully. 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 student's case manager is responsible for coordinating interpreters and making arrangements for the meeting location.

The district will provide parents/guardians with a copy of the district's *Restraint, Isolation and Other Uses of Reasonable Force* (Policy 3246) with each initial and annual IEP.

B. IEP Team

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. The general education teacher will, to the extent appropriate, participate in development of the student's IEP, including determinations of: 1) appropriate positive behavioral interventions and supports for the student; and 2) supplementary aids and services, program modifications, and support for school personnel consistent with WAC 392-172A-01185 and WAC 392-172A-03110(2)(b);
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 can not 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 ensuring that consent for excusal, if needed, is obtained from the parent prior to the meeting.

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. Forward the documentation of actual or attempted contacts to the special services department for processing when parents do not attend the meeting.

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. The IEP manager facilitates this process. If the parent requests that the district revise the IEP to include the amendments, the IEP manager will revise the IEP.

C. IEP Preparation and Content:

IEP teams will consider the recommendations in the initial or most recent evaluation to develop the IEP. In developing each IEP, the team must 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 positive behavioral interventions and supports, including a behavioral intervention plan, as defined by WAC 392-172A-01031, are needed to address the student's behavior;
3. The language needs of the student as those needs relate to the student's IEP, for a student with limited English proficiency;
4. Whether Braille instruction is appropriate for a student who is blind or visually impaired;
5. The communication needs of the student (and in the case of a student who is deaf or hard of hearing, consider the student's language and communication needs), opportunities for direct communications with peers and professional personnel in the student's language and communication mode; academic level; and full range of needs, including opportunity for direct instruction in the student's language and communication mode; and
6. Whether assistive technology devices or services are needed.

IEP content must include:

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 the data collected as designated on the IEP. The individual responsible for implementing the goal is responsible for maintaining the data used to measure progress. Information to the parents can be provided at the same time the district issues progress reports or report cards, or other agreed times as identified in the IEP;
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. The transition component must include appropriate measurable postsecondary goals based on age appropriate transition and assessments related to training, education, employment and independent living skills where appropriate; and the transition services (including courses of study) needed to assist the child in reaching those goals;
10. Emergency response protocols, if determined necessary by the IEP team for the student to receive FAPE and parents provide consent. Emergency response protocols must meet the requirements stated in WAC 392-172A-02105;
11. A behavioral intervention plan (BIP), if determined necessary by the IEP team for a student to receive FAPE. The BIP must meet the requirements stated in WAC 392-172A-01031. At a minimum, the BIP must describe:
 - a. The pattern of behavior(s) that impedes the student's learning or the learning of others;
 - b. The instructional and/or environmental conditions or circumstances that contribute to the pattern of behavior(s) being addressed by the IEP team;
 - c. The positive behavioral interventions and supports to:
 - i. Reduce the pattern of behavior(s) that impedes the student's learning or the learning of others and increases the desired prosocial behaviors;
 - ii. Ensure the consistency of the implementation of the positive behavioral interventions across the student's school-sponsored instruction or activities;
 - d. The skills that will be taught and monitored as alternatives to challenging behavior(s) for a specific pattern of behavior of the student.

12. The procedures by which parents/guardians will be notified of the use of isolation or restraint or a restraint device on their student (*see Procedure 3246*).
13. A statement regarding transfer of rights at the age of majority. The special services department will provide prior written notice to the student one year prior to student turning 18 years of age; and
14. 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 1st 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.

Use of isolation, restraint and restraint devices

A. Definitions

1. **Imminent:** The state or condition of being likely to occur at any moment or near at hand, rather than distant or remote.
2. **Isolation:** Restricting a student alone within a room or any other form of enclosure, from which the student may not leave. It does not include a student's voluntary use of a quiet space for self-calming, or temporary removal of a student from his or her regular instructional area to an unlocked area for purposes of carrying out an appropriate positive behavior intervention plan.
3. **Likelihood of serious harm:** A substantial risk that physical harm will be inflicted by a student:
 - a. Upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself;
 - b. Upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm;
 - c. Upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or
 - d. After the student has threatened the physical safety of another and has history of one or more violent acts.
4. **Positive behavioral intervention:** Strategies and instruction that can be implemented in a strategic manner in order to provide alternatives to challenging behaviors, reinforce desired behaviors, and reduce or eliminate the frequency and severity of challenging behaviors. Positive behavioral interventions include the consideration of environmental factors that may trigger challenging behaviors and teaching a student the skills to manage his or her own behavior.

5. **Restraint:** Physical intervention or force used to control a student, including the use of a restraint device. It does not include appropriate use of a prescribed medical, orthopedic or therapeutic device when used as intended, such as to achieve proper body position, balance or alignment or to permit a student to safely participate in activities.
6. **Restraint device:** A device used to assist in controlling a student, including, but not limited to, metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, pepper spray, tasers, or batons. Restraint device does not mean a seat harness used to safely transport students. This definition is consistent with RCW 28A.600.485(1)(c), and is not intended to endorse or encourage the use of such devices or techniques with district students.

B. Practices presumed to be unreasonable when correcting or restraining any student under the age of 18

Under RCW 9A.16.100, the following is a non-exclusive list of acts that are presumed unreasonable when correcting or restraining a child:

1. Throwing, kicking, burning, or cutting a child;
2. Striking a child with a closed fist;
3. Shaking a child under the age of three;
4. Interfering with a child's breathing;
5. Threatening a child with a deadly weapon; or
6. Doing any other act that is likely to cause bodily harm to a student greater than transient pain or minor temporary marks.

This non-exclusive list should not be read so as to imply that another, unlisted form of correction or restraint is permissible. Whether or not an unlisted use of force or restraint is presumptively permissible depends upon a balanced consideration of all relevant state laws and regulations, and whether the use is reasonable under the totality of the circumstances.

C. Conditions specific to use of isolation

1. The isolation must be discontinued as soon as the likelihood of serious harm has dissipated;
2. The enclosure will be ventilated, lighted and temperature controlled from inside or outside for purposes of human occupancy.
3. The isolation enclosure will permit continuous visual monitoring of the student from outside the enclosure.
4. An adult responsible for supervising the student will remain in visual or auditory range of the student at all times.
5. Either the student shall be capable of releasing himself or herself from the enclosure, or the student shall continuously remain within view of an adult responsible for supervising the student.
6. Any staff member or other adults using isolation must be trained and certified by a qualified provider in the use of isolation, unless trained personnel are not immediately

available due to the unforeseeable nature of the emergency.

D. Conditions specific to use of restraint and restraint devices

1. The use of restraint or a restraint device must be discontinued as soon as the likelihood of serious harm has dissipated;
2. The restraint or restraint device will not interfere with the student's breathing;
3. Any staff member or other adults using restraint or restraint devices must be trained and certified by a qualified provider in the use of such restraint or restraint devices, unless trained personnel are not immediately available due to the unforeseeable nature of the emergency.
4. In the case of a restraint device, either the student will be capable of releasing himself or herself from the restraint device or the student shall continuously remain within view of an adult responsible for supervising the student.

E. Prohibited practices involving restraint, use of force, and discipline:

The following practices are prohibited with students eligible for special education services:

1. District personnel are prohibited from using aversive interventions;
2. District personnel are prohibited from physically restraining or isolating a student, except when the student's behavior poses an imminent likelihood of serious harm as defined above;
3. No student may be stimulated by contact with electric current, including, but not limited to, tasers;
4. A student may not be denied or subjected to an unreasonable delay in the provision of food or liquid as a form of punishment;
5. A student may not be the recipient of force or restraint that is either unreasonable under the circumstances or deemed to be an unreasonable form of corporal punishment as a matter of state law (see above, for example, for a list of practices presumed to be unreasonable when used in correcting or restraining a child);
6. A student must not be denied or subjected to an unreasonable delay in the provision of common hygiene care;
7. A student must not be denied or subjected to an unreasonable delay in the provision of medication;
8. A student may not be excluded from his or her regular instructional or service area and isolated within a room or any other form of enclosure, except under the conditions set forth in WAC 392-172A-02110;
9. A student must not be forced to listen to noise or sound that the student finds painful;
10. A student must not be forced to smell or be sprayed in the face with a noxious or potentially harmful substance;
11. A student must not be forced to taste or ingest a substance which is not commonly consumed or which is not commonly consumed in its existing form or concentration;

12. A student's head must not be partially or wholly submerged in water or any other liquid.
13. A student must not be physically restrained or immobilized by binding or otherwise attaching the student's limbs together or by binding or otherwise attaching any part of the student's body to an object, except under the conditions set forth in WAC 392-172A-02110.

F. Documentation and Reporting Requirements

Districts must follow the documentation and reporting requirements for any use of isolation, restraint, or a restraint device consistent with RCW 28A.600.485 and the parental notification requirement of RCW 28A.155.210. See Policy and Procedure 3246. Staff involved in any incident of isolation or restraint will complete the district's incident form and forward it to the special services office within two (2) days of the incident occurring. The student's parent/guardian will be contacted as soon as possible, but no later than 24 hours following the incident.

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 an eligible student transfers into the district from within the State of Washington, the IEP manager will notify the special services office via completion of the transfer process. The building team 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 education transfers from out of state into the district, the school psychologist will notify the special services department as soon as possible. The school psychologist 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, the district will follow the procedures described in the previous paragraph to provide comparable services until the district develops an IEP for the student. If the student needs to be evaluated to determine eligibility in this state, the evaluation case manager will notify the parents, obtain consent, and evaluate the student for eligibility within 35 school days of the receipt of the parent's consent. 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 initial evaluation.

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

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 the determination of the 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. 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 written notification will also inform parents that the district has no FAPE obligation to the student when parents refuse to provide consent.

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

1. In the school the student with a disability 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 and address the following:

1. The educational benefits of full-time placement in a general education 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 general education classroom; and
4. The costs of placing the student in the general education 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 is 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. Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district that are available to all students within the district. Limits on non-participation or conditions of participation must be designated on 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 elective class options.

Within the district, a continuum of alternative placement options exists that include early childhood preschool, supplemental aides and services provided within the general education

classroom, related services and learning support services provided both within and outside of the general education classroom, specialized class services where the students receive the majority of instruction with a self-contained setting, home-bound services and out-of-district placements.

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 1st, 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. The district special services director or designee will have timely and meaningful consultation with appropriate representatives of private schools and representatives of 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 services office will notify each approved nonprofit private school operating in the district seeking recommendations of persons to serve as representatives of special education private school students in consultations with the district. A meeting will be called by the district to establish a work plan and schedule with the private school representatives and representatives of private school parents to discuss how to identify students, the amount of proportionate share, how the proportionate share was calculated, 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 special education and related services that the district will provide. The services plan must: (1) meet IEP content requirements as appropriate; 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 students in public schools who receive special education. However, the special education services provided to eligible 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

A. Notification of Procedural Safeguards

In addition to protections provided to parents of eligible students, parents also have procedural safeguard protections when a student's identification, evaluation or placement is at issue. The school district will provide a copy of the procedural safeguards notice to the parents 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 each neighborhood school or at the special services department located at District Office.

B. Consent

The district will obtain informed, written parental consent before:

1. Conducting an initial evaluation;
2. Providing initial special education and related services to a student; and
3. 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 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.

C. Revocation of Consent

Parents may revoke consent for the continued receipt of special education and related services. If parents revoke consent, the staff member receiving the revocation will forward the revocation to the special services director.

Upon receipt of the parent's written notice of revocation, the evaluation case manager will provide prior written notice within a reasonable time before the district stops providing services. The notice will include information about the effect of revocation and will inform the parent of the date the district will stop providing special education and related services.

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. However, the district does have a continuing Child Find duty, and staff will follow referral procedures if they believe the student should be referred for special education. In addition, parents may request that the district conduct an initial evaluation for eligibility for special education services after they have revoked consent for continued services.

D. Prior Written Notice

Parents are provided with prior written notices when the 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 groups.

The district will provide prior written notice to the parent 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 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 for 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. The district will document in writing how this information was provided and that the parent understands the content of the notice. 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 evaluation case manager is responsible for sending prior written notices related to special education evaluation/identification and revocation of special education services. The IEP manager is responsible for sending prior written notices related to placement and the provision of FAPE.

E. 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 to be 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 department is responsible for providing the written 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

A student over the age of eighteen is presumed to be capable of making educational decisions and able to provide informed consent unless he or she is determined to be “incapacitated” through a legal guardianship proceeding. If a parent, another interested party, or the district believes that a student over the age of eighteen is unable to provide informed consent or to make educational decisions, and the student does not have a legal guardian, the parent or other interested party may ask the district to appoint an educational representative. This determination will only be made if two separate professionals, as defined by WAC 392-172A-05135(5)(a), state that they conducted an examination and interviewed the student, and concluded the student is incapable of providing informed consent. The district will inform the student of the decision and appoint 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 special services director is responsible for appointment and educational representation.

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 building principal and the special services director are responsible for maintaining the confidentiality of personally identifiable information pertaining to special education and all other students. The director of special services 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, and 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 only 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 a student's behalf to help ensure the rights of the student to a Free Appropriate Public Education 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:

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

2. 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;
3. 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;
4. 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
5. 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 student eligible for special education who may require a surrogate parent transfers into the district, the special services office will be notified of the potential need. The special services director 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 that 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. Either party may terminate mediation 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 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's 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 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 files a due process request with the district and provides a copy of the request to OSPI, or, within 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 unduly 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 of a student is knowledgeable of special education disciplinary rules.

A. Removal Up to Ten Days

The building administrator may order the removal of a special education student from a current placement. The district need not provide services to a student who is 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, and if the district determines that the removal is not a change of placement, 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.

C. Change in Placement

A change of placement occurs when an eligible student is:

1. Removed from his or her 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. The building principal is responsible for notifying the special services director of disciplinary removals that may exceed 10 days or that may constitute a change of placement.

D. Manifestation Determination

Within ten school days after the date on which the district makes a decision to change the student's placement, the district will conduct a manifestation determination meeting to determine 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 occur at meeting that includes the parent and relevant members of the IEP team who are selected by the parent and the district. The assigned building school psychologist is responsible for contacting the parent in order to determine relevant IEP team members and providing notice of the manifestation 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 district will take immediate action to remedy the deficiencies, and will:

1. Review/revise the most recent evaluation; and
2. Conduct a functional behavioral assessment (unless already completed) and implement a behavioral intervention plan, if one is not already in place, or
3. Review the existing behavioral intervention plan and modify it to address the behavior; and
4. Review/revise the IEP and take immediate steps to ensure the IEP is being implemented if it's determined it was not being fully implemented; and
5. Return the child to the placement from which he or she was 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 serious bodily injury.

E. Special Circumstances

School personnel may order a change in placement to an 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 student eligible for special education:

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 school days or seek injunctive relief through a court having jurisdiction of the parties when the district believes that maintaining the student's current placement is substantially likely to result in injury to the student or others. If the student's IEP team believes that the student may not be maintained in his or her current placement, the IEP team should work with the district's special services director.

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.

F. Basis of Knowledge

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

The district is deemed to have knowledge if:

1. 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;
2. The parent requested that the student be evaluated for special education services; or
3. The teacher or other school personnel has expressed specific concern about a pattern of behavior demonstrated by the student to the special services director 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 apply to the student, the principal will notify the special services director 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:

1. Conducted a special education evaluation of the student and determined that the student was not eligible for services; or
2. 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 student eligible for special education services, 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 student eligible for special education services 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 district special services director will document in writing that:

1. The district is unable to recruit a teacher with the proper endorsement who was qualified for the position;
2. 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
3. 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 and classroom teachers;
2. Training must be provided annually to all personnel who may be providing aversive interventions under a student's IEP; and
3. Training will be planned for and made available to staff as identified in the needs assessment;

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 services office and the office of the superintendent. A notice regarding the availability of such documents will be placed on the district's Web site.

Personnel Development

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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 services office and the office of the superintendent. A notice regarding the availability of such documents will be placed on the district's web site.

Education of Students With Disabilities Under Section 504 of the Rehabilitation Act of 1973

It is the intent of the district to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 (Section 504) are identified, evaluated and provided with appropriate educational services. Students may be a qualified disabled person under this law even though they are not eligible for services pursuant to the Individuals with Disabilities Education Act.

Section 504 is a civil rights law which protects the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education. A child is a “qualified disabled person” under Section 504 if he or she:

- A. Has a physical or mental impairment that substantially limits one or more major life activities (such as caring for one self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, reading, concentrating, thinking, communicating and working), has a record of such an impairment, or is regarded as having such an impairment; and
- B. Is between the ages of 3 to 21 years old.

The superintendent or designee will establish procedures to ensure that students who are disabled within the definition of Section 504 are educated in full compliance with the law.

Cross Reference:	Board Policy 2161	Education of Students with Disabilities
	Board Policy 3210	Nondiscrimination
	Board Policy 3246	Restraint, Isolation and Other Uses of Reasonable Force

Legal References:

- | | |
|---------------------|--|
| 42 USC 1201 et seq. | Americans With Disabilities Act of 1990 |
| 34 CFR Part 104 | Section 504 of the Rehabilitation Act of 1973 |
| 34 CFR Part 99 | Family Educational Rights and Privacy Act |
| RCW 28A.600.485 | Restraint of students – Use of restraint or isolation specified in individualized education programs or plans developed under section 504 of the rehabilitation act of 1973 – Procedures – Summary of incidents of isolation or restraint – Publishing to web site |
| RCW 28A.600.486 | District policy on use of isolation or restraint – Notice to parents and guardians of children who have individualized education programs or plans developed under section 504 of the rehabilitation act of 1973 |

Management Resources:

2016 – November Issue

2014 – June Issue

2011 – June Issue

**Adoption Date: 02.09.99
Washougal School District
Revised: 08.27.02; 04.23.13; 11.04.14; 01.24.17**

Education of Students With Disabilities Under Section 504 of the Rehabilitation Act of 1973

A. Free Appropriate Public Education

The district will provide a free appropriate public education to school-age children with disabilities in the district's jurisdiction.

B. Child Find

The district will annually undertake to identify and locate every qualified disabled student residing in the district's jurisdiction who is not receiving a public education and take appropriate steps to notify disabled children and their parents or guardians of the district's responsibilities under Section 504.

C. Equal Educational Opportunity

The district will provide students with disabilities an equal opportunity to participate in and benefit from the educational services it provides to non-disabled students. The teachers of disabled students will meet comparable standards for certification that teachers of non-disabled students meet. Facilities will be of comparable quality and appropriate materials and equipment will be available.

D. Confidentiality of Information

The confidentiality of student records will be maintained throughout the period of time when such records are collected, stored, disclosed or destroyed by the district.

E. Parent Involvement

- 1. Initial Evaluation.** The district will obtain the consent of parents or guardians before conducting an initial evaluation of a student. The district will notify parents or guardians of the evaluation results.
- 2. Initial Placement.** The district will notify parents or guardians before initially placing a disabled student.
- 3. Significant Change in Placement.** The District will notify parents or guardians before implementing a significant change in the student's placement.
- 4. Right to Challenge.** The district will notify parents or guardians of their right to review and challenge the district's program and placement decisions if they disagree with them.
- 5. Meetings.** Section 504 does not give parents or guardians the right to participate in a meeting during which their child's program is designed and placement is determined, as does the IDEA. However, this practice is recommended.

F. Participation in the Least Restrictive Environment

- 1. Academic setting.** To the maximum extent appropriate, the district will educate disabled students with non-disabled students. In order to remove a child from the regular educational environment, the district must demonstrate that education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily for the disabled student. Whenever the

district places a student in a setting other than the regular education environment, it will take into account the proximity of the alternate setting to the student's home.

2. **Nonacademic setting.** In providing or arranging for the provision of non-academic and extracurricular services and activities, including meals, recess periods and the services and activities, the district will ensure that disabled students participate with non-disabled students in such activities and services to the maximum extent appropriate.

G. Referral and Screening

1. **Referral.** If a student, parent or guardian, teacher, counselor or administrator believe they are observing in a student substantially limited performance in one or more major life activities that is believed to be caused by a physical or mental impairment, the concerned individual should complete a referral form and submit the referral to the administrative staff at the student's school.
2. **Screening.** A designated building team will review referrals to determine if an evaluation is appropriate. If an evaluation appears to be necessary, the district will obtain written consent from parents or guardians to perform an evaluation and/or gather additional information and will provide parents with a written statement of their rights under Section 504. If the building team determines that an evaluation is not necessary, it will provide written notice to parents/guardians, and forward the results of the screening to the source of the referral.

H. Evaluations

1. **Significant Change in Placement.** If a student is believed to be disabled and needs, or is believed to need, special education or related services, the district will evaluate the student prior to placement and before any subsequent "significant change in that placement." An evaluation need not include formal or written assessments but may involve, in appropriate circumstances, a review and consideration of existing information.

Examples of significant changes in placement include:

- a. Expulsion;
 - b. Suspensions which exceed ten consecutive days in a school year;
 - c. Cumulative short-term suspensions which create a pattern of exclusion;
 - d. Transferring a student to home instruction; and/or
 - e. Graduation from high school.
2. **Tests and Evaluation Materials.** The district will establish procedures for evaluation and placement which assure that tests and other evaluation materials:
 - a. Have been validated and are administered by trained personnel;
 - b. Are tailored to assess educational need and are not merely based on IQ scores; and

- c. Reflect aptitude or achievement or whatever else the tests purport to measure and do not reflect the student's impaired sensory, manual or speaking skills (unless the test is designed to measure these particular deficits).

- 3. Mitigating Measures.** The determination of whether a student is substantially limited in one or more major life activities will be made without regard to any ameliorative effects of mitigating measures which include, but are not limited to: medication, medical supplies, equipment, low-vision devices, prosthetics, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies, assistive technology, reasonable accommodations, auxiliary aids or services; or learned behavioral or adaptive neurological modifications. However, ameliorative effects of mitigating measures may be relevant as to whether a student needs any specific accommodation or a 504 accommodation plan.

Low vision devices do not include ordinary eyeglasses or contact lenses. The ameliorative effects of ordinary eyeglasses or contact lenses may be considered in determining whether the impairment substantially limits a major life activity.

- 4. Temporary Impairments.** A student with a temporary impairment falls within the scope of Section 504 if the temporary impairment is severe enough that it substantially limits one or more of the student's major life activities. A temporary impairment is one with an actual or expected duration of six months or less. For example, pregnancy is not generally regarded as a disability under Section 504; however, if a student was put on bed rest or otherwise limited due to pregnancy complications, this would be a temporary impairment that would qualify the student as disabled under Section 504.

A student with an episodic impairment or a disease in remission qualifies as disabled under Section 504 if the impairment would substantially limit a major life activity when active (e.g. a student whose cancer is in remission).

I. Placement Procedures

The Section 504 team will convene to review all evaluation results, determine eligibility as a student with a disability under Section 504 and document the meeting in writing. The team composition may vary according to the needs of the student.

In interpreting evaluation data and in making placement decisions, the district will (1) draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background and adaptive behavior; (2) establish procedures to ensure that information obtained from all such sources is documented and carefully considered; (3) ensure that the placement decision is made by a group of persons, including persons knowledgeable about the student, the meaning of the evaluation data, and the placements options; and (4) ensure that the student is educated with his/her non-disabled peers to the maximum extent appropriate.

Parents and guardians of students who have a plan developed under Section 504 will be

provided a copy of the district policy (*see* Policy 3246) on the use of isolation and restraint at the time that the plan is created.

If the district affords a free appropriate education to a student but the parent chooses to place the child elsewhere, the district is not responsible to pay for the out-of-district placement.

J. Reevaluations

The district will provide for periodic reevaluation of disabled students. No time frame is specified in Section 504; however, reevaluating students every three years in accordance with the requirements of the IDEA will satisfy Section 504 requirements as well. A reevaluation is also required before any “significant change of placement,” as defined above in Part “H.”

K. Programming to Meet Individual Needs

The district recognizes that to be appropriate, educational programs for students with disabilities must be designed to meet their individual needs to the same extent that the needs of non-disabled students are met. A documented procedure, such as the development of an individualized accommodation plan by a knowledgeable team of educational professionals, may be appropriate.

L. Non-Academic Services

The district will provide nonacademic and extracurricular services and activities in such a manner as is necessary to afford disabled students an equal opportunity for participation in such services and activities. Nonacademic and extracurricular services and activities may include counseling services, physical recreation athletics, transportation, health services, recreational activities, interest groups or clubs sponsored by the district, referrals to agencies which provide assistance to disabled persons and employment of students, including both employment by the district and assistance in making available outside employment. The district will observe reasonable health and safety standards for all students.

1. **Counseling Services.** In providing personal, academic or vocational counseling, guidance or placement services to its students, the district will provide these services without discrimination on the basis of disability. The district will ensure that qualified students with disabilities are not counseled toward more restrictive career objectives than are non-disabled students with similar interests and abilities.
2. **Physical Education and Athletics.** In providing physical education courses and athletics and similar programs and activities to any of its students, the district will not discriminate on the basis of disability. If the district offers physical education courses and operates or supports interscholastic, club or intramural athletics, it will provide an equal opportunity for qualified students with disabilities to participate in these activities consistent with their abilities and needs.

M. Preschool and Adult Education Programs

In the operation of preschool education, or day care program or activity, or an adult education program or activity, the district will not, on the basis of disability, exclude

qualified students with disabilities from the program or activity and will take into account the needs of such persons in determining the aid, benefits or services to be provided under the program or activity.

N. Disciplinary Exclusion

1. **Exclusions.** Students with disabilities are protected from being improperly excluded from school for disciplinary reasons. Certain disciplinary exclusions of disabled students from school constitute a significant change in the student’s educational placement. A disciplinary change in the student’s educational placement occurs if the student has been suspended for more than ten consecutive days or if the disciplinary exclusions constitute a “pattern of exclusion” (defined below). Such disciplinary exclusions, which are change of placement, cannot be implemented unless the district first determines that the student’s misconduct which led to the disciplinary exclusion was not a manifestation of the student’s disability.

2. **Manifestation Determinations.** If a disciplinary exclusion (suspension or expulsion) which constitutes a change in placement is implemented, the school principal or educational staff person responsible for the imposition of discipline must ensure that a group of qualified professionals (the student’s Section 504 team) determine whether or not the misconduct is a manifestation of the student’s disability.

The misconduct is considered a manifestation of the disability if the conduct was caused by, or had a direct and substantial relationship to the student’s disability. This manifestation determination will take into account the student’s current evaluation and individualized accommodation plan under Section 504.

Under Section 504, there is no obligation to provide educational services during periods of long-term suspension or expulsion when the student’s misconduct has been properly determined not to be disability-related. However, Washington state law requires the district to provide educational services to all students during a period of suspension or expulsion (*See Policy/Procedure 3241*).

If a student’s misconduct is determined to be a manifestation of his/her disability, procedures in #3 below will be instituted in lieu of either long-term suspension or expulsion.

3. **Conduct That Is a Manifestation of a Disability.** When a student has engaged in misconduct which is a manifestation of his or her disability, expulsion and/or long term suspension should not be imposed if it would result in a change in educational placement (a disciplinary exclusion from school of over ten consecutive days or exclusions which constitute a pattern of exclusion). Days will be measured cumulatively over the period of the entire school year, with any short-term suspensions as counting toward the cumulative total.

When a student’s misconduct is related to a disability, additional evaluations

and/or a change of placement should be considered. In this circumstance, the Section 504 team will meet to determine if there is a need for further evaluation or a change of program. If further evaluation is recommended, it will be conducted as soon as reasonably possible.

4. **Pattern of Exclusion.** Suspension or emergency expulsion of a disabled student may occur, without the need to determine if there is a causal connection with the disability, if the suspension or emergency expulsion is ten consecutive days or less, or if more than ten cumulative days is not a pattern of exclusion. A pattern of exclusion occurs if:
 - a. The removal is for more than ten school days in a school year; and
 - b. The student's behavior is substantially similar to the behavior that he/she was previously removed for.

Additional factors to consider are the length of each removal (the total amount of time the student has been removed, and the proximity of the removals to one another), and the school must determine on a case-by-case basis whether a pattern of removals is significant enough to constitute a change in placement.

5. **Right to Challenge.** Students and their parent/guardian will be notified of the results of the manifestation decision and of their right under the law to challenge this decision.
6. **Drugs or Alcohol.** Students who are considered disabled under Section 504 are subject to the same disciplinary processes and results as non-disabled students for misconduct regarding the use, sale or possession of drugs or alcohol at school.

O. Restraint or Isolation

Restraint or isolation of students who have a Section 504 plan will be authorized only under the limited circumstances specified in Policy/Procedure 3246 and each incident will require reporting and parent/guardian notification as specified in that policy and procedure.

P. Transportation

If the district places a student in a program not operated by the district, the district will assure that adequate transportation to and from the program is provided at no cost to the parent.

Because the district provides transportation to all its students within a certain geographic area, it will not discriminate in its provision of transportation to students with disabilities.

If the district proposes to terminate a qualified disabled student's bus transportation for inappropriate bus behavior, the district will first determine the relationship between the student's behavior and his or her disabling condition. The parent or guardian will be provided with notice of the results of such determinations and of their right to challenge

such determinations.

Q. Procedural Requirements

The district will ensure compliance with the requirements of Section 504 by doing the following:

1. **Assurance.** Provide written assurance of non-discrimination whenever the district receives federal money;
2. **Designation of Employee.** Designate an employee to coordinate the district’s Section 504 compliance activities. The Section 504 Coordinator for the district is the Special Services Director;
3. **Grievance Procedures.** Provide grievance procedures to resolve complaints of discrimination. Students, parents or employees are entitled to file grievances. The grievance procedures for the district are set out in the Procedure for Policy 3210, Nondiscrimination;
4. **Notice.** Provide notice to students, parents/guardians, employees, unions and professional organizations of the district’s nondiscrimination policy in admission and access to programs and activities, and in treatment and employment. Notice will also specify the Section 504 coordinator for the district;
5. **Locate.** Annually undertake to identify and locate all Section 504 qualified disabled children in the district’s jurisdiction who are not receiving a public education;
6. **Annual Notification.** Annually take appropriate steps to notify disabled persons and their parents/guardians of the district’s responsibilities under Section 504; and
7. **Procedural Safeguards.** Establish and implement procedural safeguards to be provided to parents/guardians with respect to actions regarding the identification, evaluation or educational placement of persons who, because of disability, need, or are believed to need, special instruction or related services. Procedural safeguards will include:
 - a. Notice of parental/guardian rights;
 - b. An opportunity for parents/guardians to examine relevant records;
 - c. An impartial hearing, initiated by either the parents/guardian or the district, with opportunity for participation by the student’s parents/guardians and representation by legal counsel; and
 - d. A review procedure.

R. Appropriate Funding

The district recognizes that the regular education funding of the district is the funding source for serving students who are qualified as disabled under Section 504 only. However, if students are dual identified as Section 504 and IDEA eligible, state and federal special education funds can be used. The district will not use money appropriated by the IDEA to serve students found disabled under Section 504 but not the IDEA. The

district may use the IDEA money to evaluate a student if the district believes that the student may also be eligible under the IDEA.

S. Accessibility

1. Facilities that were constructed prior to June 3, 1977 need not necessarily be made accessible so long as the program or activity, viewed in its entirety, is readily accessible to persons with disabilities.
2. Facility alterations commenced after June 3, 1977, that affect or could affect the facility's usability must be accomplished so that, to the maximum extent feasible, the altered portion of the facility is readily accessible and usable by persons with disabilities.
3. A district can redesign equipment, reassign classes or other services to accessible buildings, assign aides to students, deliver services at alternate accessible sites or alter existing facilities. So long as there are other methods which are as effective in achieving compliance, a district need not undertake structural changes to a building.
4. District recognition of the meaning of the phrase "to the maximum extent feasible." This provision covers the instance where occasionally the nature of an existing facility is such as to make it impractical or prohibitively expensive to renovate in a manner that results in it being entirely barrier-free. However, in all of these instances, the alteration should provide the maximum amount of physical accessibility feasible.

T. Special Considerations for ADD/ADHD Students

Section 504 obligations apply to all students with disabilities, including students with attention deficit disorder (ADD) or attention-deficit/hyperactivity disorder (ADHD). Under federal guidance, there are three different types of ADHD, which are categorized depending upon which symptoms are the strongest: (1) predominately inattentive type; (2) predominately hyperactive-impulsive type; and (3) combined type (where symptoms of the first two types are equally present). *See* U.S. Department of Education, Office for Civil Rights, *Students with ADHD and Section 504: A Resource Guide* (July 2016) (available on the Office for Civil Rights' website at <http://www2.ed.gov/about/offices/list/ocr/frontpage/faq/rr/policyguidance/disability.html>)

U. Due Process Hearing or Mediation Requests

Due process hearing or mediation requests must be made directly to the district 504 Compliance Officer.

- a. Notice of parental/guardian rights;
- b. An opportunity to examine relevant records;
- c. An impartial hearing, initiated by either the parents/guardian or the school district, with opportunity for participation by the student's parents/guardians. The student/ parent/guardian is entitled to have representation by legal counsel; and
- d. A review procedure.

R. Appropriate Funding

The district recognizes that the regular education funding of the district is the funding source for serving students who are qualified as disabled under Section 504 only. However, if students are dual identified as Section 504 and IDEA eligible, state and federal special education funds can be used. The district will not use money appropriated by the IDEA to serve students found disabled under Section 504 but not the IDEA. The district may use the IDEA money to evaluate a student if the district believes that the student may also be eligible under the IDEA.

S. Accessibility

1. Facilities that were constructed prior to June 3, 1977 need not necessarily be made accessible so long as the program or activity, viewed in its entirety, is readily accessible to persons with disabilities.
2. Buildings or additions constructed since 1980 must be designed and constructed to allow disabled persons the ability to access and use them readily.
3. District's obligation when a building is altered: to the maximum extent feasible, all facilities which are altered after 1980 must be altered to allow accessibility and usability by persons with disabilities.
4. A district can redesign equipment, reassign classes or other services to accessible buildings, assign aides to students, deliver services at alternate accessible sites or alter existing facilities. So long as there are other methods which are as effective in achieving compliance, a district need not undertake structural changes to a building.
5. A district recognizes that some forms of accommodation are unacceptable such as: carrying a student upstairs; segregating all students with mobility impairments due to the inaccessibility of other buildings; having disabled students eat on a separate floor due to an inaccessible cafeteria; denying participation in certain programs such as music, art or assemblies because

these programs are inaccessible.

6. District recognition of the meaning of the phrase “to the maximum extent possible.” This provision covers the instance where occasionally the nature of an existing facility is such as to make it impractical or prohibitively expensive to renovate in a manner that results in it being entirely barrier-free. However, in all of these instances, the alteration should provide the maximum amount of physical accessibility feasible.

T. Special Issues Related to Drug or Alcohol Addicted Students

If a district suspects that the drug or alcohol problem of a student may be substantially limiting a major life activity such as learning, the district is obligated to recommend an evaluation. If the evaluation verifies the existence of a disabling condition that substantially limits a major life activity, the student is considered disabled under Section 504 and should be planned for appropriately.

With the passage of the Americans with Disabilities Act in 1990, Congress specifically amended Section 504 to exclude persons who are “currently engaging in the illegal use of drugs” from the definition of individuals with disabilities. Therefore, the school district is not required to consider whether a current illegal drug user could successfully participate in the district’s education programs. Furthermore, the district is not required to make accommodations for the student if he or she is currently using drugs. The district can treat the student as it treats non-disabled students.

Congress did not amend Section 504 with respect to students who abuse alcohol and alcoholism. Unlike students addicted to drugs, students whose alcoholism constitutes a disabling condition under Section 504 and who continue to use alcohol are protected by Section 504. However, the district may take disciplinary action against any disabled student engaged in the illegal use of drugs or in the use of alcohol at school to the same extent that such disciplinary action is taken against non-disabled students. Furthermore, the due process procedures at [34 CFR Part 104.36](#) will not apply to such disciplinary actions.

U. Special Considerations for Students Having AIDS or HIV Infection

Students with Acquired Immune Deficiency Syndrome (AIDS), AIDS Related Complex (ARC) or otherwise infected with Human Immunodeficiency Virus (HIV-infected) are individuals with disabilities under Section 504. They either qualify as actually having a physical impairment that substantially limits a major life activity or are regarded as having such a disabling condition.

Depending on the nature of the disease and the student’s other conditions, the student may also qualify for services under the IDEA.

Placement of the student must be made by a group of persons knowledgeable about the child, the meaning of the evaluation and medical information and placement options. A public health representative should be on the team.

A student with AIDS should remain in the regular classroom unless currently presenting a risk of contagion (e.g., a contagious opportunistic infection, open lesions that cannot be covered) or the student's parents and school agree on an alternative.

Special Considerations for ADD/ADHD Students

If a district suspects or has knowledge that a student has an Attention Deficit Disorder (ADD) or Attention Deficit Hyperactivity Disorder (ADHD) that may be substantially limiting a major life activity such as learning, the district is obligated to recommend an evaluation.

Evaluation of the student and service and placement recommendations should be made by a group of persons knowledgeable about the child, the meaning of the evaluation and medical information and service and placement options. A qualified medical practitioner's assessment should be considered, as well as the impact the student's ADD/ADHD has on his or her ability to learn or to otherwise benefit from his or her educational program. The district will ensure that the student's educational program meets the full range of his or her individual educational needs.

NOTE: Due process hearing or mediation requests must be made directly to the district 504 Compliance Officer. If a parent requests a due process hearing or mediation, districts should contact the Office of State Superintendent of Public Instruction (OSPI), Special Services Department, Old Capital Building, PO Box 47200, Olympia Washington 98504-7200, (360) 725-6075 to obtain a list of qualified hearing officers or mediators and a sample hearing officer or mediator contract. Districts are responsible for hearing officers or mediators. Districts are responsible for arranging for hearing officer and mediator expenses. When contacting OSPI, be sure they understand that the dispute is under Section 504 and that the district is just obtaining information, not seeking to have a special education hearing set up with a state administrative law judge. OPSI encourages districts to first utilize mediation as a method to resolve disputes.

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
WAC 392-170

Programs — Authority of local school districts — Selection of students
Special service program — Highly capable students

Management Resources:

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

Highly Capable Program WAC overhauled
Highly Capable Programs

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 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 will include:

- CogAT 7, and in addition may include:
 - Teacher reports
 - Student work samples
 - Student portfolios

Test results will be recorded in the student's cumulative file.

Selection

A multi-disciplinary selection team composed of a district administrator, psychologist or other individual who can interpret cognitive and achievement test results and a teacher will review data that has been collected for each of the nominated students. 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 certified coordinator or administrator with the responsibility for the supervision of the district's highly capable program; and additional professionals if any, that the district deems desirable.

The multi-disciplinary selection committee will evaluate individual student assessment profile data using a blind (no name) process and make the selection decision 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, multiple 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.
- C. Schedule a meeting of all such parents; and
- 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 Kathlynn Sloop; 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 appeals committee composed of Administrator from the district office and Multidisciplinary Selection Committee Members will review the student's file, assessment profile data, and additional evidence provided in the request for appeal.

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;

A decision will be made 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. The request may be made by a teacher or program administrator for placement discontinuation. The Multi-Disciplinary Selection Committee will convene a meeting to review the student's profile to determine if the student qualifies for program services based on assessment data and selection criteria. 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, it may be recommended that the student exited from the program. The parent will be notified in writing of the committee's decision and of the appeal's process.

A parent/legal guardian may request that the student be withdrawn from the program, or a student 18 years or older may request a withdrawal 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 withdrawal a student from the program, the student will be exited from the program on the date parents/guardian signed program exit form. If a student exits from the program, the student must complete the nomination process again to reenter the program.

Program Design

The district will make a variety of appropriate program services 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 Board Policy 6625	Student Fees, Fines, or Charges Private Vehicle Transportation
Legal References:	RCW 28A.330.100(5) RCW 67.20.020	Additional powers of board 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 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.

WASHOUGAL SCHOOL DISTRICT

4855 EVERGREEN WAY
PH: 360.954.3000



WASHOUGAL, WA 98671
FAX: 360.835.7776

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

Teacher(s) in charge: _____ Today's Date: _____

Grade Level(s) of Students Participating: _____ Estimated Number of Students: _____

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: _____

TRAVEL ARRANGEMENT & BUDGET

Do you have the required parent permission form completed? ___Yes ___No

Does this trip involve student travel out of Washington or Portland? ___Yes ___No

Does this trip involve a contract with another business or agency? ___Yes ___No

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 \$ _____ total for all participants

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

BUDGET ANALYSIS: Total Trip Cost Estimate \$ _____

- ASB Funds
- General Funds

Revenue Source(s): _____ Account Code: _____

PRINCIPAL/ADMINISTRATOR SIGNATURE:

Principal/Administrator Signature Print Principal/Administrator Name Date

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, stunting, 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. ¹
- 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.

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

Policy News, December 1999

A Few Civil Liberty Reminders

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
	36 U.S.C. 106	Constitution and Citizenship 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 Board Policy 3122 Board Policy 3220 Board Policy 3223 Board Policy 3224 Board Policy 4220 Board Policy 4237 Board Policy 4235 Board Policy 4260	Noncurriculum-related Student Groups Excused and Unexcused Absences Freedom of Expression Freedom of Assembly Student Dress Complaints Concerning Staff or Program Contests, Advertising and Promotions Public Performances Use of School Facilities
Legal References:	U.S. Constitution Wash. Constitution Wash. Constitution RCW 28A.600.025 WAC 392-400-227	First Amendment, Fourteenth Amendment Art. I, § 11 Art. 9, Sec. 4 and Art. 26 Students' rights of religious expression — Duty of superintendent of public instruction to inform school districts School district rules defining students' religious rights

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 Board Policy 3520	Excused and Unexcused Absences Student Fines, Fees and Charges
Legal References:	RCW 28A.150.240(2)(g) RCW 28A.600.030 RCW 28A.635.060	Basic Education Act — Certificated teaching & administrative staff as accountable for classroom teaching — Scope — Responsibilities — Penalty Grading policies — Option to consider Attendance 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

WAC 180-44-010
WAC 392-210

Responsibilities Related to instruction
Student testing and evaluation —
Washington State Honors Award
Program

WAC 392-400-235
WAC 392-415

Discipline — Conditions and limitations
Secondary Education — Standardized
High School Transcript

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

- 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. Upon enrollment at the beginning of each school year, the district shall inform students and their parents/guardians of this expectation, the benefits of regular school attendance, the consequences of truancy, the role and responsibility of the district in regard to truancy, and resources available to assist the student and their parents and guardians in correcting truancy. The district will also make this information available online and will take reasonable steps to ensure parents can request and be provided such information in a language they can understand. Parents will be required to date and acknowledge review of this information online or in writing.

Excused Absences

Regular school attendance is necessary for mastery of the educational program provided to students of the district. At times, students may be appropriately absent from class. School staff will keep a record of absence and tardiness, including a record of excuse statements submitted by a parent/guardian, or in certain cases, students, to document a student's excused absences. 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.

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.
- C. 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.

- D. **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.

- E. **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.
- F. **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.
- G. **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:

- 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.

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:

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 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.
 - 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 discipline or corrective action.. (See WSSDA policy 3241, Classroom Management, Discipline and Corrective Action.)

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.

Students with Individual Education Plans or Section 504 Plans

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

Retaliation/False Allegations

Retaliation is prohibited and will result in appropriate discipline. It is a violation of this 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 2161	Special Education and Related Services for Eligible Students
	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
	WAC 392-190-059	Harassment, intimidation and bullying prevention policy and procedure – School districts.

Management Resources:

Policy & Legal News, December 2014

Dear Colleague Letter: Responding to Bullying of Students with Disabilities:

<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-bullying-201410.pdf>

Policy News, December 2010

Policy News, April 2008

Policy News, April 2002

Harassment, Intimidation and Bullying
Policy Strengthened
Cyberbullying Policy Required
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; 03.24.15

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 recurrence.

B. Definitions

Aggressor means 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 means an intentional electronic, written, verbal, or physical act that:

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

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

Conduct that may rise to the level of harassment, intimidation 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 occurs 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 means 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. If a written report of harassment, intimidation or bullying indicates a potential violation of the district's nondiscrimination policy [Policy 3210], the compliance officer must notify as quickly as possible the district's civil rights compliance coordinator;
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.

If, during the course of an investigation, the district employee conducting the investigation becomes aware of a potential violation of the district’s nondiscrimination policy [Policy 3210], the investigator will promptly notify the district’s civil rights compliance officer. Upon receipt of this information, the civil rights compliance officer must notify the complainant that their complaint will proceed under the discrimination complaint procedure in WAC 392-190-066 through WAC 392-190-075 as well as the HIB complaint procedure. The notice must be provided in a language that the complainant can understand. The investigation and response timeline for the discrimination complaint procedure will follow that set forth in WAC 392-190-065 and begins when the district knows or should have known that a written report of harassment, intimidation or bullying involves allegations of a violation of the district’s nondiscrimination policy.

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.

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.

H. 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.

I. Other Resources

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

- OSPI Equity and Civil Rights Office
360.725.6162
Email: equity@k12.wa.us
www.k12.wa.us/Equity/default.aspx

- Washington State Human Rights Commission
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 Ombuds
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

J. 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.

Washougal School District
Date: 03.15

WASHOUGAL SCHOOL DISTRICT

4855 EVERGREEN WAY
PH: 360.954.3000



WASHOUGAL, WA 98671
FAX: 360.835.7776

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:

Name(s): _____

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: _____

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

Nondiscrimination

The district will provide equal educational opportunity and treatment for all students in all aspects of the academic and activities program without discrimination based on race, religion, creed, color, national origin, age, honorably-discharged veteran or military status, sex, sexual orientation, 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 district will provide equal access to school facilities to the Boy Scouts of America and all other designated youth groups listed in Title 36 of the United States Code as a patriotic society. District programs will be free from sexual harassment. Auxiliary aids and services will be provided upon request to individuals with disabilities.

Conduct against any student that is based on one of the categories listed above that is sufficiently severe, persistent or pervasive as to limit or deny the student's ability to participate in or benefit from the district's course offerings; educational programming or any activity will not be tolerated. When a district employee knows, or reasonably should know, that such discriminatory harassment is occurring or has occurred, the district will take prompt and effective steps reasonably calculated to end the harassment, prevent its recurrence and remedy its effects.

The district's nondiscrimination statement will be included in all written announcements, notices, recruitment materials, employment applications, and other publications made available to all students, parents, or employees. The statement will include: 1) notice that the district will not discriminate in any programs or activities on the basis of any of the above-listed categories; 2) the name and contact information of the district's compliance officer designated to ensure compliance with this policy; and 3) the names and contact information of the district's Section 504 and Title IX compliance officers.

The district will annually publish notice reasonably calculated to inform students, students' parents/guardians (in a language that they can understand, which may require language assistance), and employees of the district's discrimination complaint procedure.

The superintendent will designate a staff member to serve as the compliance officer for this policy. The compliance officer will be responsible for investigating any discrimination complaints communicated to the district.

The district will provide training to administrators and certificated and classroom personnel regarding their responsibilities under this policy and to raise awareness of and eliminate bias and discrimination based on the protected classes identified in this policy.

Cross References:	Policy 2020	Curriculum Development and Adoption of Instructional Materials
	Policy 2030	Service Animals in Schools
	Policy 2140	Guidance and Counseling
	Policy 2150	Co-Curricular Program
	Policy 2151	Interscholastic Activities
	Policy 3211	Transgender Students
	Policy 4217	Effective Communication
	Policy 4260	Use of School Facilities

Legal References:	Chapter 28A.640 RCW Chapter 28A.642 RCW Chapter 49.60 RCW	Sexual Equality Discrimination prohibition Discrimination — Human rights commission
	WAC 392-190-020	Training – Staff responsibilities – Bias awareness
	WAC 392-190-060	Compliance – School district designation of responsible employee - Notification
	WAC 392-400-215	Student rights
	20 U.S.C. § 7905	Boy Scouts of America Equal Access Act
	42 U.S.C. §§ 12101-12213	Americans with Disabilities Act

Management Resources:

2016 - March
Policy & Legal News, December 2014
Policy & Legal News, April 2013
Policy News, December 2012
Policy News, June 2011
Policy News, August 2007

Adoption Date: 02.25.86
Washougal School District
Revised: 05.25.93; 10.26.99; 03.22.11; 06.25.13; 01.28.14; 03.24.15; 06.21.16

Nondiscrimination

Anyone may file a complaint against the district alleging that the district has violated anti-discrimination laws. This complaint procedure is designed to assure that the resolution of real or alleged violations are directed toward a just solution that is satisfactory to the complainant, the administration and the board of directors. This grievance procedure will apply to the general conditions of the nondiscrimination policy (Policy 3210) and more particularly to policies dealing with co-curricular program (Policy 2150), service animals in schools (Policy 2030) and curriculum development and instructional materials (Policy 2020). As used in this procedure:

- A. Grievance** means a complaint which has been filed by a complainant relating to alleged violations of any state or federal anti-discrimination laws.
- B. Complaint** means a written charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws.

The time period for filing a complaint is one year from the date of the occurrence that is the subject matter of the complaint. However, a complaint filing deadline may not be imposed if the complainant was prevented from filing due to: 1) Specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint; or 2) Withholding of information that the district was required to provide under WAC 392-190-065 or WAC 392-190-005. Complaints may be submitted by mail, fax, e-mail or hand-delivery to any district, school or to the district compliance officer responsible for investigating discrimination complaints. Any district employee who receives a complaint that meets these criteria will promptly notify the compliance officer.

- C. Respondent** means 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 end, specific steps will be taken. The district is prohibited by law from intimidating, threatening, coercing or discriminating against any individual for the purpose of interfering with their right to file a grievance under this policy and procedure and from retaliating against an individual for filing such a grievance.

A. Informal Process for Resolution

Anyone with an allegation of discrimination may request an informal meeting with the compliance officer or designated employee to resolve their concerns. Such a meeting will be at the option of the complainant. If unable to resolve the issue at this meeting, the complainant may submit a written complaint to the compliance officer. During the course of the informal process, the district must notify complainant of their right to file a formal complaint.

B. Formal Process for Resolution

Level One: Complaint to District

The complaint must set forth the specific acts, conditions or circumstances alleged to be in violation, and the remedy or relief being requested. The staff member receiving the complaint will put the concerns down in writing and will secure the signature of the complainant. Upon receipt of a complaint, the compliance officer will provide the complainant a copy of this procedure. 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 shall provide the superintendent with a full written report of the complaint and the results of the investigation.

The superintendent or designee will respond to the complainant with a written decision as expeditiously as possible, but in no event later than 30 calendar days following receipt of the written complaint, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, the district will notify the complainant in writing of the reason for the extension and the anticipated response date at the time the district responds to the complainant, the district must send a copy of the response to the office of the superintendent of public instruction.

The decision of the superintendent or designee will include: 1) a summary of the results of the investigation; 2) whether the district has failed to comply with anti-discrimination laws; 3) if non-compliance is found, corrective measures the district deems necessary to correct it; and 4) notice of the complainant's right to appeal to the school board and the necessary filing information. The superintendent's or designee's response will be provided in a language the complainant can understand and may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964.

Any corrective measures deemed necessary shall 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.

Level Two – Appeal to the Board of Directors

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

The board shall schedule a hearing to commence by the twentieth (20th) calendar day following the filing of the written notice of appeal, unless otherwise agreed to by the complainant and the superintendent or for good cause. Both parties shall be allowed to present such witnesses and testimony as the board deems relevant and material. Unless otherwise agreed to by the complainant, the board will render a written decision within thirty (30) calendar days following the filing of the notice of appeal to the board and provide the complainant with a copy of the decision. The decision of the board will be provided in a language the complainant can understand, which may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act. The decision will include notice of the complainant's right to appeal to the Superintendent of Public Instruction and will identify where and to whom the appeal must be filed. The district will send a copy of the appeal decision to the office of the superintendent of public instruction.

Level Three - Complaint to the Superintendent of Public Instruction

If a complainant disagrees with the decision of the board of directors, or if the district fails to comply with this procedure, the complainant may file a complaint with the superintendent of public instruction.

1. A complaint must be received by the Superintendent of Public Instruction on or before the twentieth (20) calendar day following the date upon which the complainant received written notice of the board of directors' decision, unless the Superintendent of Public Instruction grants an extension for good cause. Complaints may be submitted by mail, fax, electronic mail, or hand delivery.
2. A complaint must be in writing and include: 1) A description of the specific acts, conditions or circumstances alleged to violate applicable anti-discrimination laws as related to the content of the written complaint investigated by the district; 2) The name and contact information, including address, of the complainant; 3) The name and address of the district subject to the complaint; 4) A copy of the district's complaint and appeal decision, unless the district has failed to comply with this procedure and no complaint or appeal decision has been provided; and 5) A proposed resolution of the complaint or relief requested. If the allegations regard a specific student, the complaint must also include the name and address of the student, or in the case of a homeless child or youth, contact information.
3. Upon receipt of a complaint, the Office of the Superintendent of Public Instruction may initiate an investigation, which may include conducting an independent on-site review. OSPI may also investigate additional issues related to the complaint that were not included in the initial complaint or appeal to the superintendent or board. Following the investigation, OSPI will make an independent determination as to whether the district has failed to comply with RCW 28A.642.010 or Chapter 392-190, WAC and will issue a written decision to the complainant and the district that addresses each allegation in the complaint and any other noncompliance issues it has identified. The written decision will include corrective actions deemed necessary to correct noncompliance and documentation the district must provide to demonstrate that corrective action has been completed.

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

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

Level Four - Administrative Hearing

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

C. Mediation

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

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

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

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

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

D. 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 compliance officer for a period of six years.

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 2145 Policy 3207 Policy 3210 Policy 3231	Suicide Prevention Prohibition of Harassment, Intimidation and Bullying Nondiscrimination Student Records
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Legal References:	Chapter 28A.642, RCW Chapter 49.60, RCW 20 U.S.C. §1232g, 34 C.F.R., Part 99	Discrimination prohibition Washington Law Against Discrimination Family Education Rights and Privacy Act
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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

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.

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Freedom of Expression

The free expression of student opinion is an important part of education in a democratic society. Students' verbal and written expression of opinion on school premises is to be encouraged so long as it does not substantially disrupt the operation of the school. Students are expressly prohibited from the use of vulgar and/or offensive terms in classroom or assembly settings.

The superintendent will develop guidelines assuring that students are able to enjoy free expression of opinion while maintaining orderly conduct of the school.

Student Publications

Student publications produced as part of the school's curriculum or with the support of the associated student body fund are intended to serve both as vehicles for instruction and student communication. They are operated and substantively financed by the district. Material appearing in such publications should reflect all areas of student interest, including topics about which there may be controversy and dissent. Controversial issues may be presented provided that they are treated in depth and represent a variety of viewpoints. Such materials may not: be libelous, obscene or profane; cause a substantial disruption of the school; invade the privacy of others; demean any race, religion, sex, or ethnic group; advocate the violation of the law; or advertise tobacco products, liquor, illicit drugs, or drug paraphernalia.

The superintendent will develop guidelines to implement these standards and will establish procedures for the prompt review of any materials which appear not to comply with the standards.

Distribution of Materials

Publications or other materials may be distributed on school premises in accordance with procedures developed by the superintendent. Such procedures may impose limits on the time, place, and manner of distribution including prior authorization for the posting of such material on school property.

Students responsible for the distribution of material which leads to a substantial disruption of school activity or otherwise interferes with school operations will be subject to corrective action, including suspension or expulsion, consistent with student discipline policies.

Materials will not be distributed on school grounds by non-students and non-employees of the district.

Cross Reference:	Board Policy 2340	Religious-related Activities and Practices
	3241	Classroom Management, Discipline and Corrective Action

Legal References:	WAC 392-400-215	Student rights
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Management Resources:	2015 – July Policy Alert
	2001 – August

Adoption Date: 02.25.86
Washougal School District
Revised: 02.22.11; 06.25.13; 10.20.15

Freedom of Expression

Students will enjoy the privilege of free verbal and written expression providing such expression does not disrupt the operation of the school. The principal will have the authority to monitor student verbal and written expression. Students who violate the standards for verbal and written expression will be subject to corrective action or punishment.

For purposes of verbal and written expression, the following guidelines are in effect:

- A. Distribution of written materials or presentation of an oral speech in an assembly or classroom setting may be restricted:
 1. Where there is evidence which reasonably supports a forecast that the expression is likely to cause material and substantial disruption of, or interference with, school activities, which disruption or interference cannot be prevented by reasonably available, less restrictive means; or,
 2. Where such expression unduly impinges upon the rights of others.
 - i. In order for a student publication or speech to be disruptive, there must exist specific facts upon which it would be reasonable to forecast that a clear and present likelihood of an immediate, substantial disruption to normal school activity would occur if the material were published and distributed. Disruption includes, but is not necessarily limited to: student riots; destruction of property; widespread shouting, or boisterous conduct; or substantial student participation in a school boycott, sit-in, stand-in, walk-out or other related form of activity.
- B. Distribution of written material or presentation of an oral speech which are construed to be unsuitable for minors will not be permitted. Rules for determining unsuitability for minors should be consistent with those as applied to instructional materials.
- C. Libelous material or speech may be prohibited. Libelous material will be defined to include defamatory falsehoods about public figures or governmental officials. In order to be libelous, the defamatory falsehood must be made with actual malice; that is, with knowledge that it is false, or with reckless disregard of whether it was false or not.
- D. Material may be considered profane when the language does not meet the standards of professional journalism as evidenced by the daily newspapers commonly distributed in the district. Sanctions may be imposed on a student when he/she engages in offensively "lewd and indecent speech."
- E. Publications may not "invade the privacy" of individuals. Such occurrences may include: exploitation of one's personality; publications of one's private affairs with which the public has no legitimate concern; or, wrongful intrusion into one's private activities in a manner that can cause mental suffering, shame, or humiliation to a reasonable person of ordinary sensibilities.
- F. Publications or oral speeches which criticize school officials or advocate violation of school rules may be prohibited when there is evidence which supports a forecast that substantial disruption of school may develop.
- G. Publications or oral speeches which advocate racial, religious, or ethnic prejudice or discrimination or seriously disparage particular racial, religious, or ethnic groups are prohibited.

Student Publications

The student publications instructor or advisor will have the primary responsibility for supervising student publications and to see that provisions incorporated into the policy and procedures are met. The principal may request to review any copy prior to its publication. Such copy will be returned to the student editors within 24 hours after it has been submitted for review. Any dispute that cannot be resolved at the building level will be submitted to the superintendent for further consideration. When appropriate, the superintendent will seek legal counsel. If the complaint cannot be resolved at that level, the board, upon request, will consider the complaint at its next regular meeting.

While the district believes that students should be encouraged to exercise good judgment in the content of the student publication program, such expressive writing must be in keeping with the school's instructional mission and values. Material must be free of content that: runs counter to the instructional program; invades the privacy of individuals; demeans or otherwise damages individuals or groups; supports the violation of school rules or, is inappropriate for the maturity level of the students. Such publication activities must also teach respect for the sensitivity of others and standards of civility as well as the elements of responsible journalism.

Distribution of Materials

Students' constitutional rights of freedom of speech or expression provide for the opportunity to distribute written materials on school premises. However, distribution of materials by students will not cause disruption of or interference with school activities. Systematic distribution of materials may not occur during instructional time, unless other similar non-instructional activities are permitted. Students will be subject to corrective action or punishment, including suspension or expulsion, depending on the nature of the disruption or interference resulting from distribution of materials.

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](#)
[392-400-225](#)

Student Rights

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 involvement 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 28A.600.020 28A.600.210-240 WAC 392-400-215	Power and Capacity of emancipated minor Bylaws for board and school government Exclusion of student from classroom — Written disciplinary procedures — Long-term suspension or expulsion School official searches of student lockers Student rights

Management Resources:

Policy News, June 1999

School safety bills impact policy

Adoption Date: 02.25.86

Washougal School District

Revised: 08.24.93; 09.27.94; 02.14.95; 06.09.09; 02.22.11; 06.25.13

Policy 3230, p. 3 of 3

Student Privacy and Searches

Searches of Students and Their Property

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

A. Establishing reasonable grounds.

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

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

B. Conducting the search.

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

1. If evidence of criminal activity is suspected to be present, and prosecution by civil authorities will be recommended if confirmed by the search, consult law enforcement officials regarding the appropriateness of a search by a law enforcement officer.
2. If evidence of violation of a school rule is suspected, and if confirmed by the search will be handled solely as a student discipline action, proceed to search by asking the student to remove all items from pockets, purses, handbags, backpacks, gym bags, etc.
3. If the student refuses to cooperate in a personal search, the student should be held until the student's parent or guardian is available to consent to the search. If a parent or guardian cannot be reached in a reasonable time, the principal may conduct the search without the student's consent.

Locker Searches

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

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

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

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

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

During a search of all student lockers, if the school official conducting the search discovers any container within the locker which may conceal contraband, the container may be searched according to district procedures governing searches of students and their property. A “container” for the purpose of this policy may include, but is not limited to: an article of clothing, a handbag, purse, backpack, gym bag or any other item in which contraband material may be concealed.

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.

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

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, legal guardian 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, legal guardian 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	Educational Opportunities for Military Children
	3211	Transgender Students
	3520	Student Fees, Fines, Charges
	4020	Confidential Communications
	4040	Public Access to District Records

Legal References: 20 U.S.C. 1232g Family Education Rights and Privacy Act
CFR 34 , Part 99 Family Education Rights and Privacy Act Regulations
RCW 28A.150.510 Transmittal of education records to DSHS—Disclosure of educational records—Data sharing agreements—Comprehensive needs requirement document—Report.
RCW 28A.195.070 Official transcript withholding – Transmittal of information
RCW 28A.225.151 Reports.
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.600.475 Exchange of information with law enforcement and juvenile court officials – Notification of parents and students.
RCW 28A.605.030 Student education records – Parental review—release of records—Procedure.
RCW 28A.635.060 Defacing or injuring school property — Liability of pupil, parent or guardian — Withholding grades, diploma, or transcripts — Suspension and restitution — Voluntary work program as alternative — Rights protected
RCW 40.24.030 Address Confidentiality Program — Application — Certification
Chapter 246-105 WAC Immunization of child care and school children against certain vaccine-preventable diseases
Chapter 392-172A WAC Rules for the provision of special education
Chapter 392-182 WAC Student Health Records
Chapter 392-415-WAC Secondary Education- standardized high school transcript
WAC 181-87-093 Failure to assure the transfer of student record information or student records
WAC 392-121-182 Alternative learning experience requirements
WAC 392-122-228 Alternative learning experiences for juvenile students incarcerated in adult jail facilities
WAC 392-500-025 Pupil tests and records — Tests— School district policy in writing

Management Resources:

Policy & Legal News, December 2014
Policy & Legal News, February 2013
Policy News, February 2010
Policy News, December 2003
Policy News, April 2001

Records Retention Schedule for School Districts and ESDs:

<http://www.sos.wa.gov/archives/RecordsManagement/Records-Retention-Schedules-for-School-Districts-and-Educational-Service-Districts.aspx>

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Washougal School District

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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. Records will be provided upon request, unless the student has outstanding fees and/or fines.

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: the Washougal School District annually distributes a letter that will go home to families notifying them of their rights. This letter will also be available on the District's website.

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. In compliance with the federal Uninterrupted Scholar's Act of 2013, when a parent is a party to a court proceeding involving child abuse or neglect, as defined in Section 3 of the Child Abuse and Prevention and Treatment Act (42 U.S.C. 5101) or dependency matters, and the order is issued in the context of that proceeding, the district is not required to provide additional notice (i.e., in addition to the court's notice) to the parent prior to release of the information.

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. In compliance with the federal Uninterrupted Scholar's Act of 2013, information regarding students in foster care may be released without prior written consent of the parent or eligible student to agency caseworkers or other representatives of state or local child welfare agencies or tribal organizations who are legally responsible for the care and protection of the student, for purposes related to the student's case plan.
8. 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 (registrar, teacher, counselor, nurse, psychologist) may honor such demands by correcting or deleting records which are misleading, violate privacy or are 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 or designee, 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 building registrar, principal or principal designee will be the custodian of the cumulative folder. The principal or the student's counselor/social worker 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 a program director or 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/guardian or adult student will be informed that personally identifiable information regarding the disabling condition is no longer needed for educational purposes AND that the special education records will be retained by the district for six (6) years before being destroyed pursuant to the School Districts and Educational Districts Records Retention Schedule approved in accordance with RCW 40.14.070.

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 AND that the parent/guardian/adult student should ensure that they possess the necessary documentation, or request copies of certain records from the district BEFORE the district records are destroyed in six (6) years. At the parent's/guardian's or adult student's request, the record information relating to the disabling condition will be destroyed but ONLY after the records have met their six (6) year retention requirement pursuant to the School Districts and Educational Districts

Records Retention Schedule. The district may, in its discretion, choose to retain these records for a longer period of time for business purposes.

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.

Parent and Student Rights in Administration of Surveys, Analysis or Evaluations

All instructional materials, including supplementary materials and teachers manuals, used with any survey, analysis or evaluation in a program or project supported by federal funds are available for inspection by parents and guardians.

No student will be required as part of any project or program supported by federal funds to submit to a survey, analysis or evaluation that reveals information concerning:

1. Political affiliations;
2. Potentially embarrassing mental or psychological problems;
3. Sexual behavior and attitudes;
4. Illegal, anti-social, self-incriminating or demeaning behavior;
5. Critical appraisals of close family members;
6. Privileged or similar relationships;
7. Religious practices, affiliations, or beliefs of the student or student's parent; or
8. Income other than information necessary to establish eligibility for a program; without the prior consent of adult or emancipated students, or written permission of parents.

The district will make arrangements to protect student privacy during the administration of surveys and the collection, disclosure or use of personal information for marketing, sales or other distribution purposes.

Cross Reference: Board Policy 3231

Student Records

Legal References: [20 U.S.C. 1232h\(c\)](#)
[34 CFR Part 98](#)

No Child Left Behind Act of 2001
Student rights in research,
experimental activities and testing

Management Resources:

Policy News, April 2003

Districts Required to Review Collection
and Dissemination of Information

Parent and Student Rights in Administration of Surveys, Analysis or Evaluation

Right to Inspect

Parents, upon request, will have the opportunity to inspect the following:

- A. Surveys created by a third party before the survey is administered or distributed by a school to students;
- B. Instructional material used as part of the educational curriculum.

Notice

At the beginning of each school year the district will provide emancipated students and parents notification in writing of the district policy and the specific or approximate dates of any student survey, analysis or evaluation scheduled during the school year.

Opt-Out

The notification will include provisions to opt a student out of participating in:

- A. Any protected information survey, regardless of funding;
- B. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or selling to others.

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:

- A. Respect the rights, person and property of others;
- B. Pursue the required course of study;
- C. Preserve the degree of order necessary for a positive climate for learning; and
- D. Comply with district rules and regulations;
- E. Submit to the authority of staff and reasonable discipline imposed by school employees and respond accordingly and respond accordingly.

The board also recognizes that schools must take reasonable steps so that students who fail to adhere to the district's rules and regulations and who receive discipline for such misconduct remain engaged or are effectively reengaged in their educational program.

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: 3241 - Classroom Management, Discipline and Corrective Action
6605 - Student Safety Walking, Biking and Riding Buses

Legal References: RCW 28A.210.310 Prohibition on use of tobacco products on school property
RCW 28A.320.128 Notice and disclosure policies – Threats of violence—
Student conduct – Immunity for good faith notice -- Penalty
RCW 28A.400.110 Principal to assure appropriate student discipline —
Building discipline standards — Classes to improve classroom
management skills
RCW 28A.600.015 Rules incorporating due process guarantees of pupils
with regard to expulsions and suspensions
RCW 28A.600.020 Exclusion of student from classroom – Written

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. For procedures and legal requirements related to imposition of suspension and expulsion, see Policy and Procedure 3241, Classroom Management, Discipline and Corrective Action.

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, and
 - Participate in the development of rules and regulations to which they are subject and to be instructed on rules and regulations that affect them, including the periodic review and update of discipline rules, policies, and procedures;
- 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. 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 has good and sufficient reason to believe that a student's presence poses an immediate and continuing threat to the student, other students 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. (See Policy 3241, Classroom Management, Discipline and Corrective Action)

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 and education 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

It is presumed that school administrators will sanction a student for the following offenses within each listed standard range, beginning at the presumptive sanction and determining whether mitigating or aggravating factors warrant a sanction higher or lower within the standard range. 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 recommendation of 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.

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, or designee, 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, or designee.

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.

DEFIANCE OF SCHOOL AUTHORITY

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;
- 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.

TRUANCY

See Policy and Procedure 3122.

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

Classroom Management, Discipline and Corrective Action

Rules of student conduct are essential to maintain a school environment conducive to learning. A student's refusal to comply with written rules and regulations established for the governing of the school will constitute sufficient cause for discipline or corrective action.

Staff are responsible for supervising student behavior, employing effective classroom management methods and enforcing the rules of student conduct in a fair, consistent and non-discriminatory manner. Corrective action must be reasonable and necessary under the circumstances and reflect the district's priority to maintain a safe and positive learning environment for all students and staff.

The district will distribute its discipline policy and procedure to students, their parents/guardians, and the community on an annual basis. Students and/or their parents/guardians will be provided all required substantive and procedural due process in regard to grievances, hearings and/or appeals of corrective action. The district will also strive to provide trainings regarding policies and procedures related to student discipline for appropriate school and district staff whose duties require them to interact with students and enforce or implement components of student discipline.

The district will assist long-term suspended and expelled students in returning to school as soon as possible by providing them with a reengagement plan tailored to the student's individual circumstances, including consideration of the incident that led to the student's long-term suspension or expulsion.

The district will annually collect and review data on disciplinary actions taken against students within each school. The data will be disaggregated into subgroups as required by RCW 28A.300.042 and will include students protected by the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973. The review must include short-term suspensions, long-term suspensions and expulsions. In reviewing the data, the district will determine whether it has disciplined a substantially disproportionate number of students within any of the disaggregated categories. If disproportionality is found, the district will take action to ensure that it is not the result of discrimination.

In consultation with school district staff, students, families and the community, the district will periodically review and update this policy and its accompanying procedure.

Cross References: 2121 – Substance Abuse Program
2161 – Special Education and Related Services for Eligible Students
2162 – Education of Students With Disabilities Under Section 504 of the
Rehabilitation Act of 1973
3122 – Excused and Unexcused Absences
3210 – Nondiscrimination
3240 – Student Conduct Expectations and Reasonable Sanctions

3244 – Prohibition of Corporal Punishment
3520 – Student Fees, Fines, or Charges
4210 – Regulation of Dangerous Weapons on School Premises
4218 – Language Access Plan

Legal References: RCW 9A.16.100 Use of force on children — Policy — Actions presumed unreasonable
RCW 9A.41.280 Possessing dangerous weapons on school facilities — Penalty — Exceptions
RCW 28A.150.240 Certificated teaching and administrative staff as accountable for classroom teaching — Scope — Responsibilities — Penalty
Chapter 28A.225, RCW Compulsory school attendance and admission
Chapter 28A.320, RCW Provisions applicable to all districts
RCW 28A.400.100 Principals and vice principals — Employment of — Qualifications — Duties
RCW 28A.400.110 Principal to assure appropriate student discipline — Building discipline standards — Classes to improve classroom management skills
Chapter 28A.600, RCW Students
34 CFR Part 100.3 Regulations implementing Civil Rights Act of 1964
42 U.S.C. 2000d et seq. Civil Rights Act of 1964
WAC 392-190-048 Access to course offerings – Student discipline and corrective action
Chapter 392-400, WAC Pupils

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Classroom Management, Discipline and Corrective Action

Definitions

- **Discipline** means all forms of corrective action other than emergency removal, suspension or expulsion. Discipline includes the exclusion of a student from any type of activity conducted by or on behalf of the school district and exclusion of a student from a class by a teacher or administrator for a period of time that does not exceed the balance of the immediate class period, provided the student is in the custody of a school district employee for the balance of such period.
- **Discretionary discipline**, under RCW 28A.600.015 refers to any form of corrective action taken in response to student misconduct that violates the rules, policies, or procedures adopted by the board of directors, other than the misconduct listed in one or more of the categories in this procedure set forth below in the section entitled “Suspension, Expulsions, and Discretionary Discipline.” Discretionary discipline cannot include long-term suspension or expulsion.
- **Emergency removal** means a student’s immediate removal from a class, subject or activity by a certificated teacher or an administrator or a school bus driver and sending of that student to the building principal or designee, when the teacher or administrator has good and sufficient reason to believe that the student’s presence poses an immediate and continuing danger to the student, other students or school staff or an immediate and continuing threat of substantial disruption of the class, subject, activity, or educational process.
- **Suspension** means the denial of attendance for any single subject or class or for any full schedule of subjects or classes for a stated period of time. Suspension may also include denial of admission to, or entry upon, real and personal property that is owned, leased, rented or controlled by the district.
 - **Short-term suspension** means suspension for any portion of a calendar day up to and not exceeding ten (10) consecutive school days.
 - **Long-term suspension** means a suspension that exceeds ten (10) consecutive school days. A long-term suspension may not exceed the length of an academic term as defined by the school board and may not be imposed as a form of discretionary discipline except for the offenses listed below in the section entitled “Suspension, Expulsions, and Discretionary Discipline.”
- **Emergency expulsion** means an emergency removal from school for up to, but not exceeding, ten (10) consecutive school days from the student’s current school placement by the superintendent or designee. An emergency expulsion requires the superintendent or designee to have good and sufficient reason to believe that the student’s presence poses an immediate and continuing danger to other students or school staff or an immediate and continuing threat of substantial disruption of the educational process. An emergency expulsion must end or be converted to another form of corrective action within ten (10) school days from the date of the emergency removal from school. If the district converts the emergency expulsion to another form of corrective action, it must provide notice and an explanation of due process rights to the student and parent/guardian.

- **Expulsion** means a denial of attendance for a period of time up to but no longer than length of an academic term (as defined by the board of directors) from the time the student is removed from his/her current school placement by a school district superintendent or designee. An expulsion may not be for an indefinite period of time and may not be imposed as a form of discretionary discipline except for the offenses listed below in the section entitled “Suspension, Expulsions, and Discretionary Discipline.” An expulsion may be extended beyond the length of an academic term if: 1) the school petitions the superintendent for an extension; and 2) the superintendent authorizes the extension pursuant to the superintendent of public instruction’s rules adopted for this purpose. (See Petition for Extension of Length of Expulsion below.) An expulsion may also include a denial of admission to, or entry upon, real or personal property that is owned, leased, rented or controlled by the district.
- **School business day** means any calendar day except Saturdays, Sundays and any federal and school holidays upon which the office of the superintendent is open to the public for business. A school business day concludes upon the closure of the superintendent’s office for the calendar day.
- **School day** means a calendar day except school holidays on which enrolled students are engaged in educational activity which is planned, supervised and conducted by or under the supervision of certificated staff and on which day all or any portion of enrolled students participate in such educational activity.
- **Reengagement meeting** means a meeting held between the district and the student and parent/guardian to discuss how to return a long-term suspended or expelled student to an educational setting as soon as possible.
- **Reengagement plan** means a culturally sensitive and culturally responsive written plan developed between the district and a student and his/her parent or guardian designed to aid the student in taking the necessary steps to remedy the situation that led to the student’s suspension or expulsion and to return the student to the educational setting as soon as possible. Parents or guardians of students must have access to, provide meaningful input on, and have the opportunity to participate in the student’s reengagement plan.

Superintendent authority

The superintendent will have the authority to discipline, suspend or expel students. The superintendent will:

- Identify the conditions under which a teacher may exclude a student from his or her class; and
- Designate which staff members have the authority to initiate or to impose discipline, suspensions or expulsions.

No student will be expelled, suspended, or disciplined in any manner for the performance of or failure to perform any act not related to the orderly operation of the school or school-sponsored activities or any other aspect of the educational process.

No form of discipline will be enforced in such a manner as to prevent a student from accomplishing a specific academic grade, subject or graduation requirements.

Notification of suspensions of students eligible for special education services

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

Notification of procedures relating to student behavior

Principals in each school will annually publish and make available to students, parents or guardians, staff, and the community the rules, policies, and procedures of the District that establish misconduct and the written procedures for administering corrective action. The publication will also define student rights and responsibilities relating to student behavior.

Pursuant to the Drug-Free Schools and Communities Act (Amendments of 1989), students and parents will be given annual notice of the standard of conduct the district requires regarding controlled substance and alcohol use, and a statement of the disciplinary sanctions for violations of that standard.

The District will also, in consultation with staff, students, student's families, and the community, periodically review and update the District's rules, policies, and procedures related to student discipline.

Rights and responsibilities of certificated staff

Certificated staff will have the right to:

- Expect students to comply with school rules;
- Develop and/or review building rules relating to student conduct and control at least once each year. Building rules will be consistent with district rules relating to student conduct;
- Receive any complaint or grievance regarding corrective action of students. Certificated staff will be given the opportunity to present their version of the incident and to meet with the complaining party in the event that a conference is arranged;
- Use such reasonable action as is necessary to protect himself/ herself, a student, or others from physical abuse or injury;
- Detain a student after school for up to 30 minutes with due consideration for bus transportation.

Teachers have the right to exclude any student who creates a disruption of the educational process in violation of building disciplinary standards, while under the teacher's supervision, from his/her individual classroom or instructional or activity area for all or any portion of the balance of the school day or until the principal or designee and teacher have conferred, whichever occurs first. Except in emergency circumstances as provided for in WAC 392-400-290 (see **Emergency Removal** below), the teacher will attempt one or more forms of corrective action prior to excluding the student. In no event without the

consent of the teacher may an excluded student return to the class during the balance of that class or activity period or up to the following two days, or until the principal and the teacher have conferred.

Certificated staff will have the responsibility to:

- Observe the rights of students;
- Supervise student behavior and enforce the rules of student conduct fairly, consistently, and without discrimination. Any infractions will be reported orally and in writing to the principal as soon as possible regardless of any corrective actions taken by the teacher;
- Maintain good order in the classroom, in the hallways, on the playgrounds or other common areas of the school, and on school buses (i.e., during field trips);
- Maintain accurate attendance records and report all cases of truancy;
- Set an appropriate example of personal conduct and avoid statements which may be demeaning or personally offensive to any student or group of students; and
- Meet with a parent(s) within five (5) school days upon request to hear a complaint regarding the use of classroom materials and/or teaching strategies that are being employed in the classroom.

Principals will have the responsibility to:

- Impose suspension or expulsion when appropriate;
- Notify parents when students are suspended or expelled; and
- Confer with certificated staff at least once per year to develop and/or review rules of conduct to be employed in the school and corrective actions that may be employed in the event of rule infractions.

Unexcused absences and tardiness

Students with one or more unexcused absences and/or tardiness and subject to compulsory attendance pursuant to Chapter 28A.225 RCW may be subject to corrective action that is reasonably calculated to modify the student's conduct. However, if a district imposes corrective action on a student for one or more unexcused absences, it must:

- Provide notice to the student's parent/guardian in writing in English or the primary language of the parent/guardian, that the student has failed to attend school without valid justification, and by any other means necessary to provide notice of these facts;
- Schedule a conference or conferences with the parents/guardians and the student to analyze the causes of the student's absences and determine whether the student would be appropriately placed in a special program designed for his/her educational success; and
- Take steps to reduce the student's absences, which include, where appropriate in the judgment of district staff, adjustments to the student's school program or school or courses or assisting the parent/guardian in obtaining supplementary services.

Additionally, a student's academic grade or credit may only be adversely affected by reason of tardiness or absences if:

- The student's attendance or participation is related to the instructional objectives or goals of the particular subject or course;
- The student's attendance or participation has been identified by the teacher pursuant to district policy as a basis for grading the subject or course; and
- The circumstances pertaining to the student's inability to attend school have been taken into consideration, including whether the absences are directly related to the student's disability under Section 504 of the Rehabilitation Act of 1964, Title II of the Americans with Disabilities Act (ADA) or the Individuals with Disabilities Education Act (IDEA).

Alternative forms of corrective action

The board 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. District administrators may consider alternative forms of corrective action—including programs intended to lessen the time of exclusion from class attendance—which have been approved by the board and/or superintendent.

Except in cases involving exceptional misconduct, district administrators must impose alternative forms of corrective action for incidents of misbehavior prior to imposing a suspension or expulsion for the same type of misbehavior.

Student discipline

Student discipline will be enforced in order to maintain a safe and orderly school environment that is conducive to student learning.

The methods employed in enforcing the rules of student conduct involve professional judgment. Such judgment should be:

- Consistent from day to day and student to student;
- Guided by appropriate classroom management strategies;
- Balanced against the severity of the misconduct;
- Appropriate to the student's circumstances and prior behavior;
- Fair to the student, parent/guardian, and others; and
- Effective.

Since these criteria may conflict, established procedures must be followed in correcting misbehavior. No form of discipline will be enforced in such a manner as to prevent a student from accomplishing specific academic grade, subject or graduation requirements. Appeal procedures have been established in order to provide for an opportunity for every corrective action to be reviewed by someone in authority and to instill confidence among students and parents as to the essential fairness of staff.

Detention

For minor infractions of school rules or regulations, or for minor misconduct, staff may detain students after school hours for not more than 30 minutes on any given day.

Preceding the assignment of detention, the staff member will inform the student of the nature of the offense charged and of the specific conduct which allegedly constitutes the violation. The student will be afforded an opportunity to explain or justify his/her actions to the staff member.

Detention will not begin until the parent/guardian has been notified (except in the case of an adult student) for the purpose of informing him/her of the basis and reason for the detention and to permit him/her to make arrangements for the necessary transportation of the student when he/she has been detained after school hours for corrective action.

Students detained for corrective action will be under the direct supervision of the staff member or another member of the professional staff.

Grievance and appeal process for student discipline

Any parent/guardian or student who is aggrieved by the imposition of discipline will have the right to an informal conference with the principal for the purpose of resolving the grievance. The employee whose action is being grieved will be notified of the grievance as soon as reasonably possible.

At such conference the student and parent/guardian will be subject to questioning by the principal and will be entitled to question staff involved in the matter being grieved.

After exhausting this remedy, the parent/guardian and student will have the right, upon two (2) school business days' prior notice, to present a written and/or oral grievance to the superintendent or designee.

If the grievance is not resolved, the parent/guardian and student, upon two (2) school business days' prior notice, have the right to present a written or oral grievance to the board during its next regular meeting, or at a meeting held within 30 days, whichever is earlier. A closed meeting may be held for the purpose of considering the grievance. The board will notify the parent and student of its response to the grievance within ten (10) school business days after the date when the grievance was presented. The disciplinary action will continue notwithstanding implementation of the grievance procedure unless the principal, superintendent or board elects to postpone such action.

Alternatively, the board may delegate its authority to hear and decide discipline and short-term suspension grievance appeals to a school district disciplinary appeal council established pursuant to WAC 392-400-310(1).

Emergency removal from class or subject

A student may be removed immediately from a class or subject by a teacher or administrator without other forms of corrective action and sent to the principal or a designated school official, without first attempting corrective action, provided that the teacher or administrator has good and

sufficient reason to believe that the student's presence poses an immediate and continuing danger to the student, other students or staff or an immediate and continuing threat of substantial disruption of the class, subject, or educational process of the student's school. The removal will continue only until:

- The danger or threat ceases; OR
- The principal or designee acts to impose corrective action.

The principal or designee will meet with the student as soon as reasonably possible following the removal and take or initiate appropriate corrective action. The meeting will take place no later than the beginning of the school day following the student's emergency removal. The teacher or administrator who removed the student will be notified of the action taken or initiated.

Suspensions, Expulsions, and Discretionary Discipline

Suspensions (including long-term suspensions) and expulsions may be imposed for any of the following student behaviors:

- A. Having a firearm on school property or school transportation in violation of RCW 28A.600.420;
- B. Any of the following offenses listed in RCW 13.04.155, including:
 1. Any violent offense as defined in RCW 9.94A.030, including
 - a. Any felony that Washington law defines as a class A felony or an attempt, criminal conspiracy, or solicitation to commit a class A felony;
 - b. Manslaughter;
 - c. Indecent liberties committed by forcible compulsion;
 - d. Kidnapping;
 - e. Arson;
 - f. Assault in the second degree;
 - g. Assault of a child in the second degree;
 - h. Robbery;
 - i. Drive-by shooting; and
 - j. Vehicular homicide or vehicular assault caused by driving a vehicle while under the influence of intoxicating liquor or any drug, or by operating a vehicle in a reckless manner;
 2. Any sex offense as defined in RCW 9.94A.030, which includes any felony violation of chapter 9A.44 RCW (other than failure to registered as a sex offender in violation of 9A.44.132), including rape, rape of a child, child molestation, sexual misconduct with a minor, indecent liberties, voyeurism, and any felony conviction or adjudication with a sexual motivation finding;
 3. Inhaling toxic fumes in violation of chapter 9.47A RCW;
 4. Any controlled substance violation of chapter 69.50 RCW;

5. Any liquor violation of RCW 66.44.270;
 6. Any weapons violation of chapter 9.41 RCW, including having a dangerous weapon at school in violation of RCW 9.41.280;
 7. Any violation of chapter 9A.36 RCW, including assault, malicious harassment, drive-by shooting, reckless endangerment, promoting a suicide attempt, coercion, assault of a child, custodial assault, and failing to summon assistance for an injured victim of a crime in need of assistance;
 8. Any violation of chapter 9A.40 RCW, including kidnapping, unlawful imprisonment, custodial interference, luring, and human trafficking;
 9. Any violation of chapter 9A.46 RCW, including harassment, stalking, and criminal gang intimidation; and
 10. Any violation of chapter 9A.48 RCW, including arson, reckless burning, malicious mischief, and criminal street gang tagging and graffiti;
- C. Two or more violations of the following within a three-year period
1. Criminal gang intimidation in violation of RCW 9A.46.120;
 2. Gang activity on school grounds in violation of RCW 28A.600.455;
 3. Willfully disobeying school administrative personnel in violation of RCW 28A.635.020; and
 4. Defacing or injuring school property in violation of RCW 28A.635.060; and
- D. Any student behavior that adversely affects the health or safety of other students or educational staff.

Unless otherwise required by law, school administrators are not required to impose a long-term suspension or expulsion for the misconduct listed above, and whenever reasonable school administrators should first consider alternative sanctions.

For student behaviors—including specific offenses contained in Policy 3240 and procedure 3240P—that do not fall within one or more of the categories listed above, schools may only impose discretionary discipline as defined in this procedure. Schools may not impose long-term suspension or expulsion as a form of discretionary discipline, but may impose other sanctions up to and including short-term suspension in a manner consistent with this procedure.

Short-term suspension

Conditions and limitations

The nature and circumstances of the student conduct violation must reasonably warrant a short-term suspension. As a general rule, no student will be suspended for a short term unless other forms of corrective action reasonably calculated to modify his/her conduct have previously been imposed upon the student as a consequence of misconduct of the same nature.

No student in grades kindergarten through fourth grade will be suspended for more than a total of ten (10) school days during any single semester or trimester and no loss of academic grades or credit will be imposed by reason of the suspension.

No student in fifth grade and above will be suspended for more than a total of fifteen (15) school days during any single semester or ten school days during any single trimester.

Continuation of educational services

The district will not suspend the provision of educational services during a period of short-term suspension and will provide the student the opportunity to receive such services. Educational services may be provided in an alternative setting, provided that such setting is comparable, equitable, and appropriate to the regular educational services a student would have received in the absence of a short-term suspension. Examples of alternative setting may include, but not be limited to, alternative schools or classrooms, one-on-one tutoring when available, and online learning.

The principal will notify special education staff of any short-term suspensions to be imposed for a student who is currently eligible for special education services or those who might be deemed eligible for special education. To the extent that short-term suspensions may cumulatively or consecutively exceed ten school (10) days, (see Procedure 2161P, Special Education and Related Services for Eligible Students, Discipline section) the principal will notify relevant special education staff so that the district can ensure that special education discipline procedures are in place, in addition to general education discipline procedures.

In-school suspension

Students who are denied attendance at school are denied the opportunity to learn. The district may create an in-school suspension program which temporarily removes the student from his/her regular learning environment but permits the student to maintain his/her educational progress. An in-school suspension is no different from any other suspension as defined by WAC 392-400-205, and therefore triggers the same substantive and procedural due process, including student and parent/guardian notification.

Students who are assigned to in-school suspension are granted this opportunity as a privilege and are expected to comply with the expectations of staff. The superintendent will establish guidelines for the operation of the in-school suspension program.

Suggested guidelines for in-school suspension are as follows:

- A student who is afforded the opportunity to be assigned to in-school suspension will agree to the conditions specified by the school principal. Unless the student is of majority age, the principal will obtain written authorization from the parent or guardian. The student's or parents' or guardians' authorization will include the number of days the student will be assigned to in-school suspension.
- In-school suspension is designed to encourage learning. Students will be expected to work on their classroom assignments at all times.
- A student in in-school suspension will attend a single subject or class or any full schedule of subjects or classes in a separate location on school property from their regular subject or class or schedule and/or classmates.

- The student will be denied the opportunity to participate in any school activities while in in-school suspension.
- While in-school suspended, the student and staff may develop a behavior contract that defines the future expected behavior of the student. The student and his/her parents/guardians and a staff member will sign the contract.
- Any act of inappropriate conduct may result in imposition of other corrective action.
- After a student is placed back into the regular classroom(s), the principal or designee or school counselor will monitor the student's progress on a daily basis. The student will be encouraged to maintain a relationship with the school counselor as a means of dealing with any problems that arise.
- Specific rules and building procedures will be developed by the building principal.

Exceptional misconduct

A student may be short-term suspended for exceptional misconduct, other than absenteeism, when such misconduct is of such frequent occurrence or is so serious in nature and/or is so serious in terms of disruption to the operation of the school that immediate suspension is warranted. In cases of exceptional misconduct, a short-term suspension may be imposed without first attempting alternative forms of corrective action. The superintendent, following consultation with a representative ad hoc citizens' committee, will recommend for board adoption, the nature and extent of the corrective actions which may be imposed as a consequence of exceptional misconduct. (See Procedure 3240-P.) An exception may be granted by an administrator when warranted by extenuating circumstances.

Prior notice and conference

- Prior to the short-term suspension of a student, the principal or designee will conduct a conference with the student and provide:
- An oral or written notice of the charges;
- An oral or written explanation of the evidence in support of the allegation(s); AND
- An oral or written explanation of the short-term suspension which may be imposed.

The student will be provided an opportunity to present his/her explanation of the allegation(s).

If the short-term suspension is to exceed one (1) calendar day, the principal or designee will notify the student's parent/guardian of the reason for the suspension and its duration either orally or by U.S. mail as soon as reasonably possible. The notice will also address the parent/guardian's right to an informal conference pursuant to WAC 392-400-255 and the fact that the suspension may be reduced as a result of such conference.

Grievance and appeal process for short-term suspension

Any parent/guardian or student who is aggrieved by the imposition of a short-term suspension will have the right to an informal conference with the principal or designee for

the purpose of resolving the grievance. At such conference the student and parent will be subject to questioning by the principal and will be entitled to question staff involved in the matter being grieved.

The parent/guardian and student after exhausting this remedy will have the right, upon two (2) school business days' prior notice, to present a written and/or oral grievance to the superintendent.

If the grievance is not resolved, the parent/guardian and student, upon two (2) school business days' prior notice, will have the right to present a written or oral grievance to the board at its next regular meeting, or at a meeting held within 30 days, whichever is earlier. A closed meeting may be held for the purpose of considering the grievance.

The board will notify the parent/guardian and student of its response to the grievance within ten (10) school business days after the date when the grievance was presented. The short-term suspension will continue notwithstanding implementation of the grievance procedure unless the principal, superintendent or board elects to postpone such action.

Readmission

Any student who has been short-term suspended will be allowed to make application for readmission at any time in accordance with district policy and procedure. (See also **Readmission Application Process**, below.)

Reporting

Principals will report all short-term suspensions and the reasons therefor to the superintendent or designee within twenty-four (24) hours after the imposing the short-term suspension.

Emergency expulsion

Conditions and limitations

Schools may not impose an emergency expulsion for an immediate and continuing danger or threat of substantial disruption unless the student's misconduct falls within one or more of the categories listed in this procedure above ("Suspension, Expulsions, and Discretionary Discipline"). If the student's behavior falls within one or more of such categories, a student may be emergency expelled based on the conditions below. An emergency expulsion may not be imposed as a form of discretionary discipline, as defined in this procedure. In addition, an emergency expulsion may not be imposed solely for the purposes of investigating student conduct.

A student may be immediately removed from school prior to a hearing without other forms of corrective action if the superintendent or designee has good and sufficient reason to believe that the student poses:

- An immediate and continuing danger to other students or school staff; OR
- An immediate and continuing threat of substantial disruption of the educational process.

Such emergency expulsion must end or be converted to another form of corrective action within ten (10) school days of the date of the expulsion. If the emergency expulsion is

converted to another form of corrective action, the district will provide the student and/or parents/guardians with notice and due process rights appropriate to the new corrective action.

Continuation of educational services

The district will not suspend the provision of educational services during a period of emergency expulsion and will provide the student the opportunity to receive such services. Educational services may be provided in an alternative setting, provided that such setting is comparable, equitable, and appropriate to the regular educational services a student would have received in the absence of an emergency expulsion. Examples of alternative setting may include, but not be limited to, alternative schools or classrooms, one-on-one tutoring when available, and online learning.

Notice of hearing

The district will notify the student and his/her parents/guardians of the emergency expulsion and of their opportunity for a hearing by:

- Hand-delivery of written notice within twenty-four hours of expulsion (school districts must document delivery of the notice by obtaining the signature of the student’s parents/guardians acknowledging receipt or the written certification of the person making the delivery); OR
- Certified letter mailed within twenty-four hours of the expulsion (reasonable attempts to contact the parents/guardians by phone or in person will also be made as soon as reasonably possible).

The district’s written and oral notice of emergency expulsion and opportunity for hearing will:

- Be provided in a language the student and/or a parent/guardian can understand, if other than English;
- Specify the alleged reasons that the student’s presence poses an immediate and continuing danger to students, school staff, or poses an immediate and continuing threat of substantial disruption of the educational process.
- Set forth the date on which the emergency expulsion began and when it will end;
- Set forth the right of the student and/or his or her parents/guardians to a hearing for purposes of contesting the allegations as soon as is reasonably possible; and
- Set forth the facts that:
 - A written or oral request for hearing must be received by a designated school employee or his or her office on or before the end of the third school business day after receipt of the notice of opportunity for hearing; AND
 - If the request is not received within three school business days, then the right to a hearing may be deemed waived and the emergency expulsion may be continued, if deemed necessary, for up to ten (10) school days from the date of the student’s emergency expulsion from school without any further opportunity for the student or his or her parent/guardian to contest it.

As a best practice, the district should provide a schedule of school business days with the notice.

The student and/or his or her parents/guardians must request a hearing within three (3) school business days after receipt of the notice of opportunity for hearing. The request may be provided in writing or orally, but must be provided to the district employee specified in the notice or their office. If a request for hearing is not received within the required period, the district may deem the right to hearing waived and the emergency expulsion may be imposed for up to ten (10) school days from the date of the expulsion from school.

Prehearing and hearing

If a request for hearing is received within three (3) school business days after receipt of notice, the school district will immediately schedule and give notice of a hearing to commence as soon as reasonably possible and no later than the second school business day after receipt of the request for hearing.

The student and his/her parents/guardians have the right to:

- Be represented by legal counsel;
- Inspect in advance of the hearing any documentary and physical evidence that the district intends to introduce at hearing;
- Question and confront witnesses (see WAC 392-400-305 for procedure if a school district witness does not appear);
- Explain the alleged misconduct;
- Present relevant affidavits, exhibits, and witnesses.

The district and/or its representative have the right to inspect in advance of the hearing evidence that the student and his/her parents/guardians intend to introduce at the hearing.

The hearing will be conducted before a hearing officer appointed by the superintendent. Such hearing officer will not be a witness to the alleged conduct. Ideally, the individual selected to be the hearing officer will possess both district administration experience and/or legal training and/or prior experience conducting quasi-judicial hearings. Either a tape-recorded or verbatim record of the hearing will be made.

When students are charged with violating the same rule and have acted in concert and the facts are essentially the same for all students, a single hearing may be conducted for them if the hearing officer believes that the following conditions exist:

- A single hearing will not likely result in confusion; AND
- No student will have his/her interest substantially prejudiced by a group hearing.

If the hearing officer finds that during the hearing a student's interests will be substantially prejudiced by the group hearing, he/she may order a separate hearing for that student. The parent and student have the right to petition for an individual hearing.

The hearing officer will determine, based solely on the evidence presented at hearing, and set forth in his/her written decision:

- Findings of fact as to whether the student has been afforded appropriate procedural due process (e.g., notice, opportunity to inspect evidence prior to hearing);
- Findings of fact as to the alleged misconduct;
- A conclusion as to whether the student's immediate and continuing danger to students and/or school staff OR immediate and continuing threat of substantial disruption of the educational process giving rise to the emergency expulsion has terminated; AND
- A conclusion as to whether the emergency expulsion shall be converted to another form of corrective action or stand as imposed.

Within one (1) school business day after the date upon which the hearing concludes, the hearing officer will issue the decision and the district will provide notice of such decision to the student and the student's parents/guardians and legal counsel, if any, by depositing a letter in certified U.S. mail.

If the hearing officer concludes in his/her decision that the emergency expulsion shall be converted to another form of corrective action, the district must provide notice of all due process rights to the student and parent/guardian for the appropriate corrective action. For appeals from a hearing officer decision regarding an emergency expulsion, see **Appeals of long-term suspension and expulsion**, below.

Long-term suspension

Conditions and limitations

Schools may not impose a long-term suspension unless the student's misconduct falls within one or more of the categories listed in this procedure above ("Suspension, Expulsions, and Discretionary Discipline"). If the student's behavior falls within one or more of such categories, a student may be long-term suspended for violation of school district rules provided that the long-term suspension does not exceed the length of an academic term as defined by the school board. A long-term suspension may not be imposed as a form of discretionary discipline, as defined in this procedure.

The nature and circumstances of the violation must reasonably warrant a long-term suspension. As a general rule, no student will be long-term suspended unless other forms of corrective action reasonably calculated to modify his/her conduct have previously been imposed upon the student as a consequence of misconduct of the same nature.

No student in grades kindergarten through fourth grade will be long-term suspended during any single semester or trimester and no loss of academic grades or credit will be imposed by reason of the suspension.

No student in fifth grade and above will be long-term suspended in a manner that causes the student to lose academic grades or credit for longer than one semester or trimester during the same school year.

The principal will notify special education staff of any long-term suspension to be imposed for a student who is currently eligible for special education services or those who might be deemed eligible for special education. To the extent that suspensions may cumulatively or consecutively exceed ten (10) days, the principal will notify relevant special education staff so that the district can ensure that special education discipline procedures are in place, in addition to general education discipline procedures.

Exceptional misconduct

A student may be long-term suspended for exceptional misconduct, other than absenteeism, when such misconduct is of such frequent occurrence or is so serious in nature and/or is so serious in terms of disruptive effect on the operation of the school that an immediate resort to a long-term suspension is warranted. In cases of exceptional misconduct, a long-term suspension may be imposed without first attempting alternative forms of corrective action. The superintendent, following consultation with a representative ad hoc citizens' committee, will recommend for board approval, the nature and extent of the corrective actions which may be imposed as a consequence of exceptional misconduct. (See Procedure 3240-P). An exception may be granted by an administrator and/or hearing officer when warranted by extenuating circumstances.

Continuation of educational services

The district will not suspend the provision of educational services during a period of long-term suspension and will provide the student the opportunity to receive such services. Educational services may be provided in an alternative setting, provided that such setting is comparable, equitable, and appropriate to the regular educational services a student would have received in the absence of a long-term suspension. Examples of alternative setting may include, but not be limited to, alternative schools or classrooms, one-on-one tutoring when available, and online learning.

Notice of hearing

Prior to imposing a long-term suspension, the district will provide the student and/or his/her parents/guardians a written notice of opportunity for hearing. The notice will be delivered in person or by certified mail. The notice will:

- Be provided in a language the student and his or her parents/guardians can understand, if other than English;
- Specify the alleged misconduct and the school district rule(s) alleged to have been violated;
- Set forth the proposed long-term suspension;
- Set forth the right to a hearing for the purpose of contesting the allegation(s); AND
- Set forth the facts that:
 - A written or oral request for hearing must be received by the Assistant Superintendent or his/her office on or before the end of the third school business day after the notice is received; and
 - If such a request is not received within that period, the hearing will be deemed waived and the proposed long-term suspension may be imposed without further opportunity for the student and/or their parent/guardian to contest it.

As a best practice, the district should provide a schedule of school business days with the notice.

The student and/or his or her parents/guardians must request a hearing within three (3) school business days after receipt of the notice of opportunity for hearing. The request may be provided in writing or orally, but must be provided to the district employee specified in the notice or their office. If a request for hearing is not received within the required period, the district may deem the right to hearing waived and the long-term suspension may be imposed.

Pre-hearing and hearing

If a request for hearing is received within three (3) school business days after receipt of notice, the school district will schedule a hearing to begin within three (3) school business days after the date of receiving the request.

The student and parent/guardian have the right to:

- Be represented by legal counsel;
- Inspect in advance of the hearing any documentary and physical evidence that the district intends to introduce at hearing;
- Question and confront witnesses (see WAC 392-400-305 for procedure if a school district witness does not appear);
- Explain the alleged misconduct; and
- Present relevant affidavits, exhibits, and witnesses.

The district and/or its representative have the right to inspect in advance of the hearing evidence that the student and his/her parents/guardians intend to introduce at the hearing. Either a tape-recorded or verbatim record of the hearing will be made.

The hearing will be conducted before a hearing officer appointed by the superintendent. Such hearing officer will not be a witness to the alleged conduct. Ideally, the individual selected to be the hearing officer will possess both district administration experience and/or legal training and/or prior experience conducting administrative hearings.

When students are charged with violating the same rule and have acted in concert and the facts are essentially the same for all students, a single hearing may be conducted for them if the hearing officer believes that the following conditions exist:

- A single hearing will not likely result in confusion; AND
- No student will have his/her interest substantially prejudiced by a group hearing.

If the hearing officer finds that during the hearing a student's interests will be substantially prejudiced by the group hearing, he/she may order a separate hearing for that student. The parent and student have the right to petition for an individual hearing.

The hearing officer will determine, based solely on the evidence presented at hearing, and set forth in his/her written decision:

- Findings of fact as to whether the student has been afforded appropriate procedural due process (e.g., notice, opportunity to inspect evidence prior to hearing);
- Findings of fact as to the alleged misconduct; AND
- A conclusion as to whether the nature and duration of the proposed long-term suspension is appropriate or whether a lesser form of corrective action should be imposed.

The hearing officer will issue the decision and the district will provide notice of such decision to the student's legal counsel, or, if none, to the student's and his/her parents/guardians.

If the hearing officer decides that a long-term suspension is appropriate, the parent/guardian and student will have the right to appeal that decision to the school board or school district disciplinary appeal council by filing a written or oral notice of appeal at the office of the superintendent or the hearing officer within three (3) school business days after the date of receipt of the decision.

If a timely notice of appeal is not provided to the district, the long-term suspension may be imposed as of the calendar day following expiration of the three (3) school business day period. (See **Appeal Process for Long-Term Suspension or Expulsion**, below.)

Readmission

Any student who has been long-term suspended will be allowed to make application for readmission at any time in accordance with district policy and procedure. (See also **Readmission Application Process**, below.)

Reporting

Principals will report all long-term suspensions and the reasons therefor to the superintendent or designee within twenty-four (24) hours after the imposing the expulsion.

Expulsion

Conditions and limitations

Schools may not expel a student unless the student's misconduct falls within one or more of the categories listed in this procedure above ("Suspension, Expulsions, and Discretionary Discipline"). If the student's behavior falls within one or more of such categories, a student may be expelled for a violation of school district rules, provided that the expulsion does not exceed the length of an academic term as defined by the school board. An emergency expulsion may not be imposed as a form of discretionary discipline, as defined in this procedure.

The nature and circumstances of the alleged violation must reasonably warrant the harshness of expulsion. No student will be expelled unless other forms of corrective action reasonably calculated to modify his or her conduct have failed or there is good reason to believe that other forms of corrective action would fail if used.

The district will make reasonable efforts to assist students in returning to an educational setting prior to, and no later than, the end date of the expulsion.

An expulsion may not exceed the length of the academic term unless:

- The school petitions the superintendent for an extension; AND
- The superintendent authorizes the extension in compliance with the superintendent of public instruction's rules adopted for this purpose. (See **Petition for extension of expulsion** below.)

Once a student is expelled in compliance with district policy, the expulsion will be brought to the attention of appropriate local and state authorities, including, but not limited to, juvenile authorities acting pursuant to the Basic Juvenile Court Act, so that such authorities may address the student's educational needs.

Any elementary or secondary school student who is determined to have carried a firearm onto, or to have possessed a firearm on, public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools, will be expelled from school for not less than one calendar year pursuant to RCW 28A.600.420 with notification to parents/guardians and law enforcement. The superintendent may modify the expulsion of a student on a case-by-case basis.

Continuation of educational services

The district will not suspend the provision of educational services during a period of expulsion and will provide the student the opportunity to receive such services. Educational services may be provided in an alternative setting, provided that such setting is comparable, equitable, and appropriate to the regular educational services a student would have received in the absence of an expulsion. Examples of alternative setting may include, but not be limited to, alternative schools or classrooms, one-on-one tutoring when available, and online learning.

Notice of hearing

Prior to the expulsion of a student, the district will provide the student and/or his/her parents/guardians a written notice of opportunity for hearing. The notice will be delivered in person or by certified mail. The notice will:

- Be provided in a language the student and his or her parents/guardians can understand, if other than English;
- Specify the alleged misconduct and the school district rule(s) alleged to have been violated;
- Set forth the proposed expulsion;
- Set forth the right to a hearing for the purpose of contesting the allegation(s); AND
- Set forth the facts that:

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](#)
[WAC 392-172A-03130](#)
[WAC 392-400-235](#)

Corporal punishment prohibited —
Adoption of policy
Aversive interventions — Other forms-
Conditions
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

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:

<i>Policy News</i> , October 2010	Students and Telecommunication Devices Revisited
<i>Policy News</i> , June 2010	Students and Sexting
<i>Policy News</i> , February 2004	Evolution of Cell Phone Use

Adoption Date: 03.22.11
Washougal School District
Revised: 06.25.13

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.

Restraint, Isolation and Other Uses of Reasonable Force

It is the policy of the Washougal Board of Directors that the district maintains a safe learning environment while treating all students with dignity and respect. All students in the district, including those who have an individualized education program (IEP) or plan developed under Section 504 of the Rehabilitation Act of 1973, will remain free from restraint, restraint devices, isolation, and other uses of physical force. Under no circumstances will these techniques be used as a form of discipline or punishment.

This policy is intended to address district students. It is not intended to prevent or limit the use of restraint or other reasonable force as necessary with adults or other youth from outside the district as allowed by law.

Use of restraint, isolation, and other forms of reasonable force may be used on any student when reasonably necessary to control spontaneous behavior that poses an “imminent likelihood of serious harm” as defined by RCW 70.96B.010 and Chapter 392-172A WAC. Serious harm includes physical harm to self, another, or district property. Staff will closely monitor such actions to prevent harm to the student and will use the minimum amount of restraint and isolation appropriate to protect the safety of students and staff. The restraint, isolation, and other forms of reasonable force will be discontinued when the likelihood of serious harm has dissipated.

The superintendent or a designee will develop procedures to implement this policy, including review, reporting and parent/guardian notification of incidents involving restraint or isolation as required by law. Additionally, the superintendent will annually report to the board on incidents involving the use of force.

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
Legal References:	RCW 9A.16.020	Use of Force — When lawful
	RCW 9A.16.100	Use of Force on Children — Policy — Actions presumed unreasonable
	RCW 28A.150.300	Corporal Punishment Prohibited
	RCW 28A.155.210	Use of restraint or isolation – Requirements for procedures to notify parent or guardian
	RCW 28A.600.485	[as amended by SHB 1240]
	RCW 70.96B.010	Definitions
	Chapter 392-172A WAC	Rules for the provision of special education
	Chapter 392-400-235	Discipline — Conditions and limitations

Management Resources:

2016 – March
2015 – July Policy Alert
2013 – December
2013 – July
2008 – December

**Adoption Date: 06.25.13
Washougal School District
Revised: 01.28.14; 10.20.15; 06.21.16**

Restraint, Isolation and Other Uses of Reasonable Force

This procedure is intended to apply to a broad range of circumstances whenever it is deemed reasonably necessary by district staff to control spontaneous behavior by any student that poses an imminent likelihood of serious harm. This procedure is intended to be interpreted consistent with the requirements of RCW 28A.600.485, RCW 9A.16.020, RCW 9A.16.100, RCW 28A.160.300, RCW 28A.155.210, WAC 392-400-235, and, for students with an IEP, consistent with the regulations of Chapter 392-172A, WAC.

Definitions:

Behavioral intervention plan: A plan incorporated into a student's Individualized Education Program (IEP), which at a minimum describes: 1) The pattern of behavior that impedes the student's learning or the learning of others; 2) The instruction and/or environmental conditions or circumstances that contribute to the pattern of behavior(s) being addressed by the IEP team; 3) The positive behavioral interventions and supports to: i) reduce the pattern of behavior(s) that impedes the student's learning or the learning of others and increases the student's desired prosocial behaviors; and ii) ensure the consistency of the implementation of the positive behavioral interventions across the student's school-sponsored instruction or activities; and d) The skills that will be taught and monitored as alternatives to challenging behavior(s) for a specific pattern of behavior of the student.

Chemical spray: Pepper spray, OC spray, or other similar chemicals that are used to control a student or limit a student's freedom of movement.

De-escalation: The use of positive behavioral interventions and other district-approved strategies to defuse a student who has lost self-control, is non-compliant or is demonstrating unacceptable behavior. These strategies address behavior that is dangerous, disruptive or otherwise impedes the learning of a student or others.

Imminent: The state or condition of being likely to occur at any moment or near at hand, rather than distant or remote.

Isolation: Restricting a student alone within a room or any other form of enclosure, from which the student may not leave. It does not include a student's voluntary use of a quiet space for self-calming, or temporary removal of a student from his or her regular instructional area to an unlocked area for purposes of carrying out an appropriate positive behavior intervention plan.

Likelihood of serious harm: A substantial risk that physical harm will be inflicted by a student:

- upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself;
- upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm;
- upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or
- after the student has threatened the physical safety of another and has a history of one or more violent acts.

Physical force: The use of bodily force or physical restriction that substantially immobilizes or reduces the free movement of a student.

Positive behavioral interventions: Strategies and instruction that can be implemented in a strategic manner in order to provide alternatives to challenging behaviors, reinforce desired behaviors, and reduce or eliminate the frequency and severity of challenging behaviors. Positive behavioral interventions include the consideration of environmental factors that may trigger challenging behaviors and teaching a student the skills to manage his or her own behavior.

Restraint: Physical intervention or force used to control a student, including the use of a restraint device. It does not include appropriate use of a prescribed medical, orthopedic or therapeutic device when used as intended, such as to achieve proper body position, balance or alignment or to permit a student to safely participate in activities.

Restraint device: A device used to assist in controlling a student, including, but not limited to metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, pepper spray, tasers or batons. Restraint device does not mean a seat harness used to safely transport students. This definition is consistent with RCW 28A.600.485 (1)(c), and is not intended to endorse or encourage the use of such devices or techniques with district students.

School resource officer: A commissioned law enforcement officer who provides law enforcement services and may perform other duties for the district, and is assigned by the employing police department or agency to work in collaboration with the district.

School security officer: A classified or contracted school district employee other than a school resource officer who provides security services in the district under the direction of a school administrator.

General use of restraint, isolation, or other forms of reasonable force:

- Restraint, isolation, or other forms of reasonable force may be used to prevent or minimize imminent bodily harm to self or others, or if de-escalation or other positive behavioral interventions fail or are inappropriate, to protect district property, where there is an “imminent likelihood of such serious harm” occurring, as defined above.
- Restraint, isolation, or other forms of reasonable physical force may be used when a student has caused a substantial loss or damage to the property of others, and the student’s behavior poses a substantial risk that such property damage will be inflicted.
- Restraint devices may be used as needed to obtain possession of a known or reasonably-suspected weapon or other dangerous object on a person or within the control of a person.
- An IEP or plan developed under Section 504 of the Rehabilitation Act of 1973 must not include the use of restraint or isolation as a planned behavior intervention unless a student’s individual needs require more specific advanced education planning and the student’s parent or guardian agrees. Nothing in these procedures is intended to limit the provision of a free appropriate public education (FAPE) under Part B of the Individuals with Disabilities Act (IDEA) or Section 504 of the Rehabilitation Act of 1973.
- Restraint, isolation, or other forms of reasonable physical force will not be used as a form of discipline or punishment.

- Restraint, isolation, or other forms of reasonable physical force will not be used as an initial response to destruction of property, school disruption, refusal of the student to comply with school rules or a staff directive; or a verbal threat that does not constitute a threat of imminent bodily injury, unless other forms of de-escalation and positive behavioral interventions fail or are inappropriate.
- Restraint, isolation, or other forms of reasonable physical force should not be used as an intervention if the school employee, school resource officer or school security officer knows that the student has a health condition or physical problem and the condition or problem would be exacerbated by the use of such techniques.

Practices presumed to be unreasonable when correcting or restraining any child (RCW 9A.16.100):

Under RCW 9A.16.100, the following is a non-exclusive list of acts that are presumed unreasonable when correcting or restraining a child:

- throwing, kicking, burning, or cutting a child;
- striking a child with a closed fist;
- shaking a child under age three;
- interfering with a child's breathing;
- threatening a child with a deadly weapon; or
- doing any other act that is likely to cause bodily harm to a student greater than transient pain or minor temporary marks.

This non-exclusive list should not be read so as to imply that another, unlisted form of correction or restraint is permissible. Whether or not an unlisted use of force or restraint is presumptively permissible depends upon a balanced consideration of all relevant state laws and regulations, and whether the use is reasonable under the totality of the circumstances.

Conditions specific to use of isolation with students eligible for special education (consistent with WAC 392-172A-02110):

- The isolation enclosure will be ventilated, lighted and temperature controlled from inside or outside for purposes of human occupancy.
- The isolation enclosure will permit continuous visual monitoring of the student from outside the enclosure.
- An adult responsible for supervising the student will remain in visual or auditory range of the student at all times.
- Either the student shall be capable of releasing himself or herself from the enclosure, or the student shall continuously remain within view of an adult responsible for supervising the student.

- Any staff member or other adults using isolation must be trained and certified by a qualified provider in the use of isolation, unless trained personnel are not immediately available due to the unforeseeable nature of the emergency.

Prohibited practices involving restraint, use of force, and discipline specifically for students eligible for special education (consistent with WAC 392-172A-02076):

The following practices are prohibited with students eligible for special education services:

- District personnel are prohibited from using aversive interventions with a student;
- District personnel are prohibited from physically restraining or isolating any student, except when the student's behavior poses an imminent likelihood of serious harm as defined above;
- No student may be stimulated by contact with electric current, including, but not limited to, tasers;
- A student may not be denied or subjected to an unreasonable delay in the provision of food or liquid from when the food or liquid is customarily served as a form of punishment;
- A student may not be the recipient of force or restraint that is either unreasonable under the circumstances or deemed to be an unreasonable form of corporal punishment as a matter of state law (see above, for example, for a list of practices presumed to be unreasonable when used in correcting or restraining a child);
- A student must not be denied or subjected to an unreasonable delay in the provision of common hygiene care;
- A student must not be denied or subjected to an unreasonable delay in the provision of medication;
- A student may not be excluded from his or her regular instructional or service area and isolated within a room or any other form of enclosure, except under the conditions set forth in WAC 392-172A-02110;
- A student must not be forced to listen to noise or sound that the student finds painful;
- A student must not be forced to smell or be sprayed in the face with a noxious or potentially harmful substance;
- A student must not be forced to taste or ingest a substance which is not commonly consumed or which is not commonly consumed in its existing form or concentration;
- A student's head must not be partially or wholly submerged in water or any other liquid.
- A student must not be physically restrained or immobilized by binding or otherwise attaching the student's limbs together or by binding or otherwise attaching any part of the student's body to an object, except under the conditions set forth in WAC 392-172A.02110.

Degree of force:

- Restraint, isolation, or other forms of reasonable physical force will be discontinued as soon as a determination is made by the staff member administering the restraint, isolation, or other forms of reasonable physical force that the likelihood of serious harm has dissipated.
- Restraint, isolation, or other forms of reasonable physical force must be administered in such a way so as to prevent or minimize physical harm to the student. If, at any time during the use of restraint, isolation, or other forms of reasonable physical force, the student demonstrates significant physical distress, the technique must be reduced immediately and, if necessary, school staff must take immediate steps to seek medical assistance.

Monitoring:

An adult must continually monitor any student when restraint, isolation, or other forms of reasonable physical force is used. The monitoring must be conducted by continuous visual monitoring of the student. Monitoring must include regularly evaluating the student for signs of physical distress.

Post-incident notification and review with parent/guardian:

Within twenty-four (24) hours following the use of restraint, isolation, or other forms of reasonable physical force with a student, the principal or designee must make a reasonable effort to verbally inform the student’s parent or guardian of the incident. The principal or designee must also send written notification as soon as practical, but postmarked no later than five (5) business days after restraint, isolation, or other forms of reasonable physical force has been used with a student. If the school or district customarily provides the parent or guardian with school-related information in a language or mode of communication other than English, the written report must be provided to the parent or guardian in that language or mode of communication.

The principal or designee will review the incident with the student and the parent or guardian (though not necessarily at the same time) to address the behavior that precipitated the use of the technique and the appropriateness of the response. The principal or designee will review the incident with the staff person(s) who administered the restraint, isolation, or other forms of reasonable physical force to discuss whether proper procedures were followed and what staff training or support is needed to help the student avoid similar incidents.

IEPs and 504 plans will include the above procedures for notification of parents/guardians regarding the use of isolation and restraint on their student.

Incident report:

Any school employee, school resource officer or school security officer who uses restraint, isolation, or other forms of reasonable physical force, as defined in this procedure, on any student during school-sponsored instruction or activities, will inform the principal or a designee as soon as possible and within two (2) business days submit a written report of the incident to the district office. The written report will contain, at a minimum:

- The date and time of the incident;

- The name and job title of the staff member who administered the restraint, isolation, or other form of reasonable physical force;
- A description of the activity that led to the restraint, isolation, or other form of reasonable physical force;
- The type of restraint, isolation, or other forms of reasonable physical force used on the student, and the duration;
- Whether the student or staff was physically injured during incident involving restraint, isolation, or other forms of reasonable physical force;
- Any medical care provided to the student or staff; and
- Any recommendations for changing the nature or amount of resources available to the student and staff members in order to avoid similar incidents.

Resolution of concerns about the use of force incident:

A student or his/her parent or guardian who has concerns regarding a specific incident involving restraint, isolation, or other forms of reasonable physical force may seek to resolve the concern by using the district's complaint process which is set forth in Policy 4220, Complaints Concerning Staff or Programs.

Providing parents/guardians with Restraint, Isolation, and Other Uses of Reasonable Force policy:

The district will make available to all parents/guardians of students the district's policy on Restraint, Isolation and Other Use of Reasonable Force. If the student has an IEP or 504 plan, the District will provide the parents/guardians a copy of the policy each time an initial or annual IEP or 504 plan is developed.

Staff training requirements:

All training will include instruction in positive management of student behavior, cultural sensitivity, effective communication for defusing and de-escalating disruptive or dangerous behavior and safe and appropriate use of force, isolation and restraint. Annually, administrators will provide all staff with the district established policy and procedure regarding the use of reasonable force.

All staff should be informed of de-escalation strategies and proper physical intervention procedures. Appropriate staff and those who are required or reasonably anticipated to provide physical force intervention will be trained in the use of physical force intervention.

Only staff trained by a qualified provider and authorized to use isolation, restraint, restraint devices or chemical spray procedures will administer it to students. The appropriate personnel will include those staff members who are most likely to be called upon to use isolation, restraint, restraint devices or chemical spray to prevent or address disruptive or dangerous student behavior.

Submission of incident reports to the Office of Superintendent of Public Instruction:

Beginning January 1, 2016 and annually by January 1 thereafter, the district will summarize the written incident reports described above and submit those summaries to OSPI. The summaries will include:

- the number of individual incidents of restraint and isolation;
- the number of students involved in the incidents;
- the number of injuries to students and staff; and
- the types of restraint or isolation used.

Annual Report:

The building administrator or a designee will maintain a log of all instances of use of force as defined by this procedure, which will be presented to the superintendent annually. The superintendent will provide an annual report to the board regarding the district's use of force.

Medication at School

Under normal circumstances prescribed and over-the-counter medication should be dispensed before and/or after school hours under supervision of the parent or guardian. If a student must receive prescribed or non-prescribed medication an authorized staff member, the parent must submit a written authorization accompanied by a written request from a licensed health professional prescribing within the scope of his or her prescriptive authority. If the medication will be administered for more than fifteen consecutive days, the health professional must also provide written, current and unexpired instructions for the administration of the medication.

The superintendent will establish procedures for:

- A. Delegating, training and supervision of staff members in the administration of prescribed or non-prescribed medication to students by a physician or registered nurse;
- B. Designating staff members who may administer prescribed or non-prescribed medication to students;
- C. Obtaining signed and dated parental and health professional requests for the dispensing of prescribed or non-prescribed medications, including instructions from the health professional if the medication is to be given for more than fifteen (15) days;
- D. Storing prescribed or non-prescribed medication in a locked or limited access facility;
- E. Maintaining records pertaining to the administration of prescribed or non-prescribed medication; and
- F. Permitting, under limited circumstances, students to carry and self-administer medications necessary to their attendance at school.

Nasal inhalers, suppositories and non-emergency injections may not be administered by school staff other than registered nurses and licensed practical nurses. No medication will be administered by injection by school staff except when a student is susceptible to a predetermined, life-endangering situation. (See Policy 3420, Anaphylaxis Prevention and Response.) In such an instance, the parent will submit a written and signed permission statement. Such an authorization will be supported by signed and dated written orders accompanied by supporting directions from a licensed health professional. A staff member will be trained prior to injecting a medication.

If the district decides to discontinue administering a student's medication, the superintendent or designee must provide notice to the student's parent or guardian orally and in writing prior to the discontinuance. There must be a valid reason for the discontinuance that does not compromise the health of the student or violate legal protections for the disabled.

Administration of legend (prescribed) drugs or controlled substances by nasal spray

If a school nurse is on the premises, he/she may administer a nasal spray containing a prescribed drug or controlled substance to a student. If a school nurse is not on school premises, a nasal spray containing a legend (prescribed) drug or controlled substance may be administered by: 1) a trained school employee, provided that person has received appropriate RN delegation and volunteered for the training pursuant to RCW 28A.210.260; or 2) a parent-designated adult.

A parent designated adult is a volunteer, who may be a school district employee, who receives additional training from a healthcare professional or expert in epileptic seizure care selected by the parents who provides care for the student consistent with the student's individual health plan on file with the school.

Required Notification of EMS

After every administration of any legend (prescribed) drug or controlled substance by nasal spray to a student, Emergency Medical Services (911) will be summoned as soon as practicable.

Cross References:	Policy 3419	Self-Administration of Asthma and Anaphylaxis Medications
	Policy 3420	Anaphylaxis Prevention and Response
Legal References:	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.
Management Resources:	<u><i>Policy & Legal News</i>, February 2014, Nasal spray added to list of medications that may be administered by school personnel</u>	
	<i>Policy News</i> , August 2012, “Medication” Definition Expanded	
	<i>Policy News</i> , February 2001, Oral Medication Definition Expanded	

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Washougal School District
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Medication at School

Each school principal will authorize two staff members to administer prescribed or non-prescribed medication. These designated staff members will receive RN delegation prior to the opening of school each year.

For purposes of this procedure, "medication" means oral medication, topical medication, eye drops, eardrops and nasal spray. Oral medications are administered by mouth either by swallowing or by inhaling and may include administration by mask if the mask covers the mouth or mouth and nose.

Medication may be dispensed to students on a scheduled basis upon written authorization from a parent with a written request by a licensed health professional prescribing within the scope of their prescriptive authority. If the medication is to be administered more than fifteen consecutive days the written request must be accompanied by written instructions from a licensed health professional. Requests will be valid for not more than the current school year. The prescribed or non-prescribed medication must be properly labeled and be contained in the original container. The dispenser of prescribed or non-prescribed oral medication will:

- A. Collect the medication directly from the parent (students should not transport medication to school), collect an authorization form properly signed by the parent and by the prescribing health professional and collect instructions from the prescribing health professional if the oral medication is to be administered for more than fifteen consecutive days;
- B. Store the prescription or non-prescribed oral medication (not more than a twenty (20) day supply) in a locked, substantially constructed cabinet or in a locked medication cart;
- C. Maintain a daily record which indicates that the prescribed or non-prescribed medication was dispensed.
- D. Provide for supervision by a physician or registered nurse.

A copy of this policy will be provided to the parent upon request for administration of medication in the schools.

Prescribed and over-the-counter oral or topical medications, eye drops or ear drops may be administered by a registered nurse, a licensed practical nurse or an authorized staff member.

Nasal sprays containing legend (prescription) drugs or controlled substances will only be administered by a school nurse or, if a school nurse is not present on school premises, an authorized school employee; or a parent-designated adult with training as required by RCW 28A.210.260.

No prescribed medication will be administered by injection by staff except when a student is susceptible to a predetermined, life-endangering situation. The parent will submit a written statement which grants a staff member the authority to act according to

the specific written orders and supporting directions provided by licensed health professional prescribing within his or her prescriptive authority (e.g., medication administered to counteract a reaction to an insect sting). Such medication will be administered by staff trained by the supervising registered nurse to administer such an injection.

Written orders for emergency medication, signed and dated, from the licensed health professional prescribing within his or her prescriptive authority will:

- A. State that the student suffers from an allergy which may result in an anaphylactic reaction;
- B. Identify the drug, the mode of administration, the dose. Epinephrine administered by inhalation, rather than injection, may be a treatment option. This decision must be made by the licensed health professional prescribing within his or her prescriptive authority;
- C. Indicate when the injection will be administered based on anticipated symptoms or time lapse from exposure to the allergen;
- D. Recommend follow-up after administration, which may include care of the stinger, need for a tourniquet, administration of additional medications, transport to hospital; and
- E. Specify when to report to the health professional prescribing within his or her prescriptive authority and any record keeping recommendations.

If a health professional and a student's parent request that a student be permitted to carry his/or her own medication and/or be permitted to self-administer the medication, the principal may grant permission after consulting with the school nurse. The process for requesting and providing instructions will be the same as established for oral medications. The principal and nurse will take into account the age, maturity and capability of the student; the nature of the medication; the circumstances under which the student will or may have to self-administer the medication and other issues relevant in the specific case before authorizing a student to carry and/or self-administer medication at school. Except in the case of multi-dose devices (like asthma inhalers), students will only carry one day's supply of medication at a time. Violations of any conditions placed on the student permitted to carry and/or self-administer his or her own medication may result in termination of that permission, as well as the imposition of discipline when appropriate.

Parent-Designated Adult Care of Students with Epilepsy

Parents of students with epilepsy may designate an adult to provide care for their student consistent with the student's individual health care plan. At parent request, school district employees may volunteer to be a parent-designated adult under this policy, but they will not be required to participate. Parent-designated adults who are school employees will file a voluntary, written, current and unexpired letter of intent stating their willingness to

be a parent-designated adult. Parent-designated adults who are school employees are required to receive training in caring for students with epilepsy from the school nurse. Parent-designated adults will receive additional training from a parent-selected health care professional or expert in epileptic care to provide the care (including medication administration) requested by the parent.

Parent-designated adults who are not school employees are required to show evidence of comparable training, and meet school district requirements for volunteers. Parent-designated adults will receive additional training from a parent-selected health care professional or expert in epileptic care to provide the care requested by the parent. The district is not responsible for the supervision of procedures authorized by the parents and carried out by the parent-designated adult.

Response to Student Injury or Illness

The board recognizes that schools are responsible for providing first aid or emergency treatment in case of injury or illness of a student. To that end, the board encourages school staff to become certified in first aid. Further medical attention in non-emergency cases is the responsibility of the parent or guardian. Schools will notify the parent or guardian of students who suffer injuries, illness or physical trauma at school or at any school-sponsored activity as soon as practicable.

The superintendent will establish procedures to be followed consistent with this policy.

Cross References:	Policy	3124	Removal/Release of Student During School Hours
		3422	Student Sports—Concussions and Head Injuries

Management Resources: *Policy & Legal News*, June 2014

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. The board directs that staff will be alert for any evidence of child abuse, neglect, or exploitation.

For purposes of this policy, the term “child” means anyone under the age of 18 and/or any current student of the district, including home-schooled students or any other person classified as a student in the district’s database.

“Child abuse, neglect, or exploitation” means:

- A. 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;
- B. Creating a substantial risk of physical harm to a child’s bodily functioning;
- C. Attempting, committing, or allowing any sexual offense against a child as defined in the criminal code. This definition also includes any communications with a child for immoral purposes or viewing, possessing, or distributing any sexually explicit images of a child. It also includes intentionally contacting, directly or through the clothing, the genitals, anus, or breasts of a child unless the contact is necessary for the child’s hygiene or health care. This also includes a child’s intentional or coerced contact with anyone’s genitals, anus, or breasts;
- D. Committing acts that are cruel or inhumane regardless of observable injury. These acts may include, but are not limited to, instances of extreme discipline demonstrating a disregard of a child’s pain or mental suffering;
- E. Assaulting or criminally mistreating a child as defined by the criminal code;
- F. Failing to provide food, shelter, clothing, supervision, or health care necessary to a child’s health or safety;
- G. Engaging in actions or omissions resulting in a substantial risk to the physical or mental health or development of a child; or
- H. Failing to take reasonable steps to prevent the occurrence of the preceding actions.

Children (including other students), family members, and any other adult can engage in child abuse, neglect, or exploitation. This may include incidents of student on student misconduct. Staff should report all incidents of abuse regardless of the age of the person who engages in it.

Subject to the definition above, staff should not focus on a person’s mental status to determine if she or he has committed child abuse, neglect, or exploitation. The law governing mandated reporting does not allow for exceptions for people with medical conditions that may mitigate the intent for committing child abuse, neglect, or exploitation.

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 address the issues surrounding child abuse.

The superintendent will develop reporting procedures and provide them to all staff on an annual basis. The purpose is to identify and timely report all evidence of child abuse, neglect, or

exploitation to the proper authorities. Staff will receive training regarding reporting obligations during their initial orientation and every three years after initial employment.

All staff are responsible for reporting all suspected cases of child abuse, neglect, and exploitation to the proper authorities and/or the appropriate school administrator. Under state law, staff are free from liability for reporting a reasonable suspicion of child abuse, neglect, or exploitation. However, failing to report the incident may result in criminal liability regardless of whether the authorities determine the incident is provable in a subsequent legal proceeding.

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

Cross References:	Policy 3226	Interviews and Interrogations of Students on School Premises
	Policy 4310	District Relationships with Law Enforcement and othe Government Agencies
Legal References:	<u>RCW 13.34.300</u>	Relevance of failure to cause juvenile to attend school as evidence to neglect petition
	<u>26.44.020</u>	Child abuse — Definitions
	<u>26.44.030</u>	Reports — Duty and authority to make — Duty of receiving agency — Duty to notify — Case planning and consultation — Penalty for unauthorized exchange of information — Filing dependency petitions — Investigations — Interviews of children — Records — Risk assessment process
	<u>28A.320.160</u>	Alleged sexual misconduct by school employee — Parental notification — Information on public records act
	<u>28A.400.317</u>	Physical abuse or sexual misconduct by school employees — Duty to Report — Training
	<u>28A.620.010</u>	Community education provisions — Purposes
	<u>28A.620.020</u>	Community education provisions — Restrictions Classes on parenting skills and child abuse prevention encouraged
	<u>43.43.830</u>	Background checks — Access to children or vulnerable persons
	<u>WAC 388-15-009</u>	What is child abuse or neglect?
	<u>AGO 1987, No. 9</u>	Children — Child Abuse — Reporting by School Officials — Alleged Abuse by Student

Management Resources:

2015 – June

2010 – April

2007 – February

1999 – June

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Washougal School District

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Child Abuse, Neglect, and Exploitation Prevention

Each school principal will develop and implement an instructional program that will teach students:

1. How to recognize the factors that may cause people to abuse, neglect, or exploit children;
2. How one may protect oneself from incurring these forms of maltreatment; and
3. What resources are available to assist an individual who does or may encounter an abusive situation.

To facilitate such a program, staff development activities may include such topics as:

1. Child growth and development;
2. Identification of child abuse, neglect, and exploitation;
3. Effects of child maltreatment on child growth and development;
4. Personal safety as it relates to potential child abuse, neglect, and exploitation;
5. Parenting and supervision 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, neglect, or exploitation. Since protection of children is the paramount concern, staff should discuss any suspected evidence with the principal, nurse, or supervisor 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, neglect, or exploitation. Professional staff are reminded of their legal obligation to report these incidents. 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, neglect, or exploitation:

- A. When there is reasonable cause to believe that a student has suffered abuse, neglect, or exploitation, staff or the principal will immediately contact the nearest office of the Child Protective Services (CPS) of the Department of Social and Health Services (DSHS). If the situation is urgent and CPS cannot immediately respond, staff shall immediately contact the local law enforcement agency. This contact must be made within forty-eight (48) hours.

Staff will also advise the principal or supervisor regarding instances of suspected abuse, neglect, or exploitation as well as reports that have been made to CPS or law enforcement. In his/her absence, the report will be made to the nurse or counselor.

A staff member may contact CPS to determine 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. A written report will be submitted promptly to the agency to which the report was made. The report will include:

1. The name, address and age of the child;
2. The name and address of the parent or person having custody of the child;
3. The nature and extent of the suspected abuse or neglect;
4. Any evidence of previous abuse or any other information that may relate to the cause or extent of the abuse or neglect; and
5. The identity, if known, of the person accused of inflicting the abuse.

C. When the district receives a report that a school employee has committed an act of sexual misconduct, it will notify the parents of the alleged victim within forty-eight (48) hours.

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.) or unreasonable use of force (grabbing, pinching, dragging, and/or other unapproved forms of restraint);
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 intentional sexual contact, conduct, or communication with a child. Beyond direct evidence of this kind of abuse, indicators may include, but are not limited to:

1. A child's developmentally inappropriate sexual conduct, regardless of the child's own mental status or development;
2. Child engaging in "sex talk", drawings, or attempting to access pornography;
3. Child's disclosure of "grooming behaviors" or inappropriate conduct that does not necessarily rise to a specific sexual act;
4. An adult's attempt to form a secret or unreasonably special relationship with a child;
5. Venereal disease in a child of any age;
6. Evidence of physical trauma or bleeding to the oral, genital or anal areas; or
7. Pregnancy.

Physical Neglect Indicators

1. Lack of basic needs (food, clothing, safety, shelter);
2. Inadequate supervision;
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 or caretakers 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: Indicators in and of themselves do not necessarily prove that abuse, neglect, or exploitation has occurred. However, they still may warrant a referral to CPS or law enforcement. When in doubt, staff should consult with CPS about making a report.

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 or law enforcement.

WASHOUGAL SCHOOL DISTRICT

4855 EVERGREEN WAY
PH: 360.954.3000



WASHOUGAL, WA 98671
FAX: 360.835.7776

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.
- Fill out the Washougal School District Child Abuse and Neglect Report Form found in School Board Policy 3421 and turn it into the office. Available on the district website: <http://www.washougal.k12.wa.us/>
 - 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.

Washougal School District
CHILD ABUSE AND NEGLECT REPORT FORM, page 2

Reporter's Signature:	Principal's Signature:
Date:	Date:
<p>Copy to: <input type="checkbox"/> Administrator</p> <p style="padding-left: 20px;"><input type="checkbox"/> Counselor</p> <p style="padding-left: 20px;"><input type="checkbox"/> Copy mailed to:</p> <p style="padding-left: 40px;">Child Protective Services</p> <p style="padding-left: 40px;">PO Box 9809</p> <p style="padding-left: 40px;">Vancouver, WA 98666-8809</p> <p style="padding-left: 20px;"><input type="checkbox"/> Washougal SD Title IX Officer (Please send under confidential cover)</p>	

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
Policy 2140
Policy 3231
Policy 3421
Policy 4040
Policy 5260

Drug and Alcohol Use/Abuse Program
Guidance and Counseling
Student Records
Child Abuse, Neglect and Exploitation Prevention
Public Access to District Records
Personnel Records

Legal References: RCW 26.44.030(12)

Reports — Duty and authority to make — Duty of
receiving agency

**Adoption Date: 05.10.11
Washougal School District
Revised: 04.29.14**

Public Access to District Records

Consistent with Washington State law, the Board is committed to providing the public full access to records concerning the administration and operations of the District. Such access promotes important public policy, maintains public confidence in the fairness of governmental processes, and protects the community's interest in the control and operation of its common school district. At the same time, the Board desires to preserve the efficient administration of government and acknowledges the privacy rights of individuals whose records may be maintained by the District. This policy and the accompanying procedure are intended to facilitate access to school district records without compromising operational efficiency or privacy rights.

As used in this policy and the accompanying procedure, "school district records" is a broad term that includes any writing containing information relating to the conduct of the District or the performance of any District governmental or proprietary function prepared, owned, used, or retained by the District regardless of physical form or characteristics. A "writing" as used in this policy and procedure is likewise a broad term that means any handwriting, typewriting, printing, photocopying, photographing, or other means of recording any form of communication or representation. Included within these definitions are digital and electronic forms of communication, including emails, texts or messages through any medium or application, pages, postings and comments from any District-operated or District-sponsored website. The District will retain public records in compliance with state law and regulations.

Because of the tremendous volume and diversity of records continuously generated by a public school district, the Board has declared by formal resolution that trying to maintain a current index of all of the District's records would be impracticable, unduly burdensome, and ultimately interfere with the operational work of the District.

The Superintendent will develop—and the Board will periodically review—procedures consistent with state law that will facilitate this policy. The Superintendent will also appoint a Public Records Officer who will serve as a point of contact for members of the public who request the disclosure of public records. The Public Records Officer will be trained in the laws and regulations governing the retention and disclosure of records, and shall oversee the District's compliance with this policy and state law.

Cross Reference: Policy 3231 Student Records

Legal References: Chapter 5.60 RCW Witnesses — Competency
 Chapter 13.04.155(3) RCW Notification to school principal of conviction, adjudication, or diversion agreement — Provision of information to teachers and other personnel — Confidentiality.
 Chapter 26.44.010 RCW Declaration of purpose.
 Chapter 26.44.030(9) RCW Reports — Duty and authority to make — Duty of receiving agency — Duty to notify — Case planning and consultation — Penalty for unauthorized exchange

of information — Filing dependency petitions — Investigations
— Interviews of children — Records — Risk assessment
process.

Chapter 28A.605.030 RCW Student education records —
Parental review — Release of records — Procedure.

Chapter 28A.635.040 RCW Examination questions —
Disclosing — Penalty.

Chapter 40.14 RCW Preservation and destruction of public
records

Chapter 42.17A RCW –Campaign Disclosure and Contribution

Chapter 42.56 RCW Public Records Act

WAC 392-172A Rules for the provision of special education

Public Law 98-24, Section 527 of the Public Health Services
Act, 41 USC § 290dd-2

20 U.S.C. 1232g Federal Education Rights Privacy Act (FERPA)

20 U.S.C. § 1400 et. seq. Individuals with Disabilities Education
Act (IDEA)

42 U.S.C. § 1758(b)(6)

34 CFR Part 300—ASSISTANCE TO STATES FOR THE
EDUCATION OF CHILDREN WITH DISABILITIES

45 CFR Part 160—164—GENERAL ADMINISTRATIVE
REQUIREMENTS, ADMINISTRATIVE REQUIREMENTS
AND SECURITY AND PRIVACY

Management Resources:

2015 – December Issue

2015 – April Issue

2012 - April Issue

2010 - February Issue

Policy News, June 2006

Policy News, October 2005

Washington State Office of the Attorney General – Open
Government Training

Washington State Office of the Attorney General – Model Rules
on Public Disclosure

**Adoption Date: 05.10.11
Washougal School District
Revised: 04.29.14; 06.23.15; 02.23.16**

Public Access to School District Records

Purpose of these Procedures and General Principles

These procedures have been established by the Superintendent and published pursuant to Board Policy 4040 and RCW 42.56.040 to explain the process for public access to school district records and to provide guidance in how the District will respond to such requests.

School district records relating to the conduct of operations and functions of the District that have been prepared, owned, used, or retained by the District in any format are, in fact, public records to which members of the public may request access consistent with this procedure.

When processing such requests, the District will provide the fullest assistance to the requestor and provide a response in the most timely manner possible.

District Public Records Officer

Public Records Officer

For the most timely and efficient response, requests for school district records should be directed in writing to the Public Records Officer listed below, whose responsibilities include serving as a point of contact for members of the public in this process and overseeing the District's compliance with the Washington Public Records Act, Chapter 42.56 RCW, and Policy 4040.

The current Public Records Officer of the District may be reached at the District's Central Administrative Building as follows:

Cassi Marshall, Executive Assistant to the Superintendent
4855 Evergreen Way, Washougal, WA 98671
Phone: 360-954-3005
Fax: 360-835-7776
Email: cassi.marshall@washougalsd.org

Information regarding contacting the Public Records Officer is also available at the District website at <http://www.washougal.k12.wa.us>.

Public Records Officer Training

Consistent with state law, the Public Records Officer shall complete trainings related to the Washington Public Records Act and public records retention no later than ninety (90) days after assuming the responsibilities of the Public Records Officer. After the initial training(s), the Public Records Officer must complete refresher training at intervals of no more than four years as long as he or she remains the District's Public Records Officer.

Availability of Public Records

Hours for Inspection

Public records are available for inspection and copying during normal business hours of the District, Monday through Friday, 7:30 a.m. to 4:00 p.m., during the school year, and 7:30 a.m. to 4:00 p.m., on days school is not in session, excluding legal holidays and days that the district has publicized that the District Office will be closed. Records must be inspected at the offices of the District.

Organization of Records

The District will maintain its records in a reasonable, organized manner and take reasonable actions to protect records from damage and disorganization. A requestor shall not take District records from District offices without the permission of the Public Records Officer or designee. During the inspection of records, a District employee will typically be present to protect records from damage or disorganization.

Information Online

A variety of records and information are available on the District website at <http://www.washougal.k12.wa.us>. Requestors are encouraged to view the documents available on the website prior to submitting a records request.

Making a Request for Public Records

Request to Public Records Officer

Any person wishing to inspect or copy public records of the District shall make the request in writing by letter, fax, or email addressed to the Public Records Officer and including the following information:

Name, address, telephone number, and email address of requestor;

Identification of the public records adequate for the Public Records Officer or designee to locate the records; and

The date the request is submitted to the District.

The District's Public Records Request Form is available for use by requestors at the District's central office and online at <http://www.washougal.k12.wa.us/contact-us/>. The form is also attached to this procedure.

Identifiable Records

A request under the Washington Public Records Act, Chapter 42.56 RCW and District Policy 4040 must seek an identifiable record. General requests for information from the District that do not seek identifiable records are not covered by Policy 4040. Similarly, the District is not obligated by law to create a new record to satisfy a records request for information. The District may choose to create a record depending on the nature of the request and the convenience of providing the information in a new document, such as when data from multiple locations is requested and can be more easily combined into a single new record.

Copies of Records

If the requestor wishes to have copies of the records made instead of inspecting them, he or she shall make this clear in the request and make arrangements to pay for copies of the records or a deposit.

Requests Not in Writing

The Public Records Officer or designee may accept informal requests for public records by telephone or in person. To avoid any confusion or misunderstanding, however, requestors should be mindful that a request reduced to writing is always the preferred method. If the Public Records Officer or designee receives a request by telephone or in person, the Public Records Officer will confirm his or her understanding of the request with the requestor in writing.

Processing of Public Records Requests

Order of Processing Requests

The District will typically process requests in the order received. However, requests may also be processed out of order if doing so allows the most requests to be processed in the most efficient manner.

Central Review

Records requests not made to the Public Records Officer of the District will be forwarded by building level administrators, program administrators, or other staff receiving the request to the Public Records Officer for processing.

Five-Day Response

Within five (5) business days of receipt of a request, the Public Records Officer will do one or more of the following:

1. Provide copies of the record(s) requested or make the record available for inspection—or, in the alternative, provide an internet address and link to the District's website where the specific record can be accessed (provided that the requestor has not notified the District that he or she cannot access the records through the internet) ; or
2. Acknowledge that the District has received the request and provide a reasonable estimate of the time it will require to fully respond; or
3. Seek clarification of the request; or
4. Deny the request (although no request will be denied solely on the basis that the request is overbroad).

During the summer months and holiday breaks when school is not in session, the District Office may be operating with reduced staff. Closures of the District Office will be communicated through the district website and/or *The Post-Record*. Public Records request made during these time periods will require more than five (5) business days to address.

In unusual circumstances, the District may also seek a court order enjoining disclosure pursuant to law.

If the District does not respond in writing within five business days of receipt of the request for disclosure, the requestor should contact the Public Records Officer to determine the reason for the failure to respond.

Purpose of Request

The District may inquire into the purpose for which a record is requested and may use the answer to aid in gathering responsive records and determining whether the public has a legitimate interest in obtaining the information. However, a requester is not required to provide a purpose and the District may not decline to furnish the records solely because the requester refuses to furnish a purpose for the request.

Protecting Rights of Others

In the event that the requested records contain information that may affect rights of others and may be arguably exempt from disclosure, the Public Records Officer may, prior to providing the records, give notice to such others. The notice may make it possible for the others to contact the requestor and ask him or her to revise the request, or, if necessary, seek a court order to prevent or limit the disclosure. The notice to the affected persons may also include a copy of the request.

Records Exempt from Disclosure

Some records are exempt from disclosure, in whole or in part, under a specific exemption contained in chapter 42.56 RCW or another statute which exempts or prohibits disclosure of specific information or records.

If the District believes that a record is exempt from disclosure and should be withheld, the Public Records Officer will state in writing the specific exemption (and statutory section) which applies and provide a brief explanation of how the exemption applies to the record being withheld or redacted. This exemption and explanation will be provided to the requestor in a withholding index or log.

If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the Public Records Officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted in the withholding index or log.

List of Laws Exempting or Prohibiting Disclosure

Pursuant to RCW 42.56.070 (2), these rules contain a list of laws—other than those specifically listed in the Washington Public Records Act, Chapter 42.56 RCW—which may exempt disclosure of certain public records or portions of records. The District has identified the following laws:

- The Family Educational and Privacy Rights Act (FERPA), 20 USC § 1232g (regarding student educational records);
- Washington State Student Education Records Law, RCW 28A.605.030;

- The Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et. seq. and 34 C.F.R. Part 300 (protecting the confidentiality of personally identifying information contained in student records of students with disabilities).
- Privileged communications and attorney work product, such as set forth in Chapter 5.60 RCW;
- Criminal Records Privacy Act (CRPA), Chapter 10.97, RCW;
- Information on students receiving free or reduced lunch, 42 USC § 1758(b)(6);
- Health Insurance Portability and Accountability Act (HIPPA), 45 CFR parts 160-164 (regarding health care information privacy and security);
- Abuse of Children – Protection and Procedure, RCW 26.44.010; RCW 26.44.030(9);
- Notification of Juvenile Offenders, RCW 13.04.155(3);
- Examination question for teachers or pupils prior to the examination, RCW 28A.635.040;
- Public Law 98-24, Section 527 of the Public Health Services Act, 41 USC § 290dd-2 (confidentiality of alcohol and drug abuse patient records);
- United States and Washington Constitutional provisions including, but not limited to, the right of privacy and freedom of association.

In addition to these exemptions, RCW 42.56.070 (9) prohibits providing access to lists of individuals requested for commercial purposes, and the District may not do so unless specifically authorized or directed by law.

The above list is for informational purposes only and is not intended to cover all possible exemptions from the public records law. The above list includes only exemptions which may be in addition to those set forth in Chapter 42.56 RCW. Under appropriate circumstances, the District may rely upon other legal exemptions which are not set forth above or contained within the public disclosure law.

Inspection of Records

Consistent with other demands, and without unreasonably disrupting District operations, the District shall promptly provide for the inspection of nonexempt public records. No member of the public may remove a document from the viewing area without the permission of the Public Records Officer, nor may he or she disassemble or alter any document. The requestor shall indicate which documents he or she wishes the District to copy. There is no cost to inspect District records.

Providing Copies of Records

After inspection is complete, the Public Records Officer or designee shall make the requested copies or arrange for copying. The cost for copies is 15 cents (\$0.15) per page for copies that exceed twenty-five (25) pages. Payment may be made by cash, check, or money order payable to the District.

The District may also charge actual costs of mailing, including the cost of the shipping container.

Before beginning to make the copies, the Public Records Officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The Public Records Officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment.

Providing Records in Installments

When the request is for a large number of records, the Public Records Officer or designee has the right to provide access for inspection and copying in installments. If, within thirty (30) days, the requestor fails to inspect the entire set of records or one or more of the installments, the Public Records Officer or designee may stop searching for the remaining records and close the request and discussed further below.

Completion of Inspection

When the inspection of the requested records is complete and all requested copies are provided, the Public Records Officer or designee will indicate that the District has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

Closing Withdrawn or Abandoned Request

The requestor must claim or review the assembled records within thirty (30) days of the District's notification to him or her that the records are available for inspection or copying. The District should notify the requestor in writing of this requirement and inform the requestor that he or she should contact the District to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the District may close the request and refile the assembled records.

When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the Public Records Officer will close the request and indicate to the requestor that the District has closed the request.

Later Discovered Documents

If, after the District has informed the requestor that it has provided all available records, the District becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

Processing of Public Records Requests for Electronic Records

Requesting Electronic Records

The process for requesting electronic public records is the same as for requesting paper public records. However, to assist the District in responding to a request for electronic records, a requestor should provide specific search terms that will allow the Public

Records Officer or designee to locate and assemble identifiable records responsive to the request.

Providing Electronic Records

When a requestor requests records in an electronic format, the Public Records Officer or designee will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the District and is generally commercially available, or in a format that is reasonably translatable from the format in which the District keeps the record.

Cost for Electronic Records

The cost of electronic copies of records shall be \$2.50 for information provided by CD or DVD. There will be no charge for smaller requests which can be fulfilled by e-mailing electronic records to a requestor. The Public Records Officer or designee may also require the payment of the costs of the CD or DVD before providing that installment.

The District may also charge actual costs of mailing, including the cost of the shipping container.

Internal Review of Denials of Public Records

Petition for Internal Administrative Review of Denial of Access

Any person who objects to the initial denial or partial denial of a records request may petition in writing (including email) to the Public Records Officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the Public Records Officer or designee denying the request.

Consideration of Petition for Review

The Public Records Officer shall immediately consider the petition and shall either affirm or reverse the denial within two business days following the receipt of the petition, or within such other time as the District and the requestor mutually agree to.



Washougal School District No. 112-6
 4855 Evergreen Way
 Washougal, WA 98671

REQUEST FOR PUBLIC RECORD

NAME		DATE	
FIRM/ORGANIZATION			
ADDRESS	TELEPHONE NUMBER	CELL	FAX
CITY/STATE/ZIP	E-MAIL		

Provide a description of the public records you are requesting that is sufficiently specific (name and date or period of time if known) to Washougal School District to identify and locate the records. (Use additional pages if necessary)

I prefer to view records at WSD's Central Office

I prefer copies of records

DELIVER/MAIL/FAX/E-MAIL YOUR REQUEST TO: Washougal School District No. 112-6
 4855 Evergreen Way
 Washougal, WA 98671
 (360) 835-7776 – Fax
 publicrecordsrequest@washougalsd.org

PLEASE NOTE:

There is no charge to view documents at central office (4855 Evergreen Way in Washougal, WA)

No charge will be required if the copying and postage costs do not exceed \$15.00. If the volume of records exceeds \$15.00, the district will calculate the copying costs and notify you of the total amount after the requested records are identified. The District may require a deposit to be paid in an amount not to exceed ten (10) percent of the estimated copying costs before the district begins copying the requested records. No documents will be released until full payment is received.

FEES:

\$0.15/page	Documents
Actual cost	Maps, computer disks, binders, etc.
Actual cost	Postage charges for mailing requested records

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 unless specifically authorized by state law. Carrying a dangerous weapon onto school premises, school-provided transportation, or areas of other facilities being used exclusively for school activities in violation of RCW 9.41.280 is a criminal offense.

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.

Dangerous Weapons

The term “dangerous weapons” under state law includes:

- Any firearm;
- Any device commonly known as “nun-chu-ka sticks,” consisting of two or more length of wood, metal, plastic, or similar substance connected with wire, rope, or other means;
- Any device, commonly known as “throwing stars,” which are multi-pointed, metal objects designed to embed upon impact from any aspect;
- Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas;
- Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse;
- Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse;
- The following instruments:
 - Any dirk or dagger;
 - Any knife with a blade longer than three inches;
 - Any knife with a blade which is automatically released by a spring mechanism or other mechanical device;
 - Any knife having a blade which opens, or falls or is ejected into position by the force of gravity, or by outward, downward, or centrifugal thrust or movement; and
 - Any razor with an unguarded blade;
- Any slung shot, sandbag, or sandclub;
- Metal knuckles;
- A sling shot;

- Any metal pipe or bar used or intended to be used as a club;
- Any explosive;
- Any weapon containing poisonous or injurious gas;
- Any implement or instrument which has the capacity to inflict death and from the manner in which it is used, is likely to produce or may easily and readily produce death.

In addition, the District considers the following weapons in violation of this policy:

- Any knife or razor not listed above, except for instruments authorized or provided for specific school activities;
- Any object other than those listed above which is used in a manner to intimidate, threaten, or injure another person and is capable of easily and readily producing such injury.

Reporting Dangerous Weapons

An appropriate school authority 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. Students who have possessed a firearm on any school premises, school-provided transportation, or school-sponsored activities at any facility shall be expelled for not less than one year pursuant to RCW 28A.600.420. The superintendent may modify the one-year expulsion for a firearm on a case-by-case basis.

The 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.

No expulsion under RCW 28A.600.420 prevents the district from continuing to provide educational services in an alternative educational setting in compliance with RCW 28A.600.015. Any alternative setting should be comparable, equitable, and appropriate to the regular education services a student would have received without the exclusionary discipline. Example alternative settings include one-on-one tutoring and online learning.

Exceptions to State Law and this Policy

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

Use of Tobacco, Nicotine 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 and vapor products, non-prescribed inhalers, nicotine delivery devices or chemicals that are not FDA-approved to help people quit using tobacco, devices that produce the same flavor or physical effect of nicotine substances and any other smoking equipment, device, material or innovation.

Any use of such products and delivery devices by staff, students, visitors and community members will be prohibited on school district property, including all district buildings, grounds and district-owned vehicles. Possession by, or distribution of tobacco products to minors is prohibited.

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, Discipline and Corrective Action
Policy 3416 Medication at School
Policy 5201 Drug-Free Schools, Community and Workplace
Policy 5280 Separation from Employment

Legal References: 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.
RCW 28A.210.310 Prohibition on use of tobacco products on school property
Chapter 70.155, RCW Tobacco – Access to Minors

Management Resources:

2016 – July

2014 – February

2010 – December

2010 – October

**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 Instructional Materials
Legal References:	RCW 28A.405.300 Chapter 42.30 RCW	Adverse change in contract status of certificated employee — Determination of probable cause — Notice — Opportunity for hearing Open Public Meetings Act

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 or designee, 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 or designee in writing or in person; and
- D. The superintendent or designee will then attempt to resolve the matter through a conference with the citizen, staff member, and principal.

If the matter is still not resolved, the superintendent will present the issue to the board. If the complaint is against a staff member, the board may discuss the complaint. The staff member may request that the board discuss the issue in an open meeting.

The board will attempt to make a final resolution of the matter. Any formal actions by the board must take place in an open meeting. If such action may adversely affect the contract status of the staff member, the board will give written notice to the staff member of his/her rights to a hearing.

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

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 multi-disciplinary 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, and development of procedures designed 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 when possible. 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.

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 tests or criteria that screens out persons with disabilities unless the test or criteria is clearly and specifically job-related. Also, the District will not use such tests or criteria if 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: 2030 – Service Animals in Schools
 5270 – Resolution of Staff Complaints
 5407 – Military Leave

Legal References: RCW 28A.400.310 Law against discrimination applicable to districts' employment practices

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:

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.

6. 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:

1. Printing and distributing such information to staff, school libraries and offices;
2. Publicizing such information in district newsletters;
3. Conducting meetings with administrative staff to explain the intent and advantages of the policy and plan;
4. Conducting faculty meetings and meetings with classified staff;
5. Informing appropriate and interested recruiting and hiring sources; and
6. 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:

1. Analysis of the categories of employment in relation to affirmative action goals;
2. Analysis of work force data and applicant flow;
3. Maintaining records relative to affirmative action information;
4. Preparation of annual report of progress toward the goals to be made to the superintendent with recommended changes required to maintain the vitality and equity of the program; and
5. 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.

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.

- A. Grievance** means a complaint which has been filed by an employee relating to alleged violations of any state or federal anti-discrimination laws.
- B. Complaint** means a written charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws. The time period for filing a complaint is one year from the date of the occurrence that is the subject matter of the complaint. However, a complaint filing deadline may not be imposed if the complainant was prevented from filing due to: 1) Specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint; or 2) Withholding of information that the district was required to provide under WAC 392-190-065 or WAC 392-190-005. Complaints may be submitted by mail, fax, e-mail or hand-delivery to any district, school or to the district compliance officer responsible for investigating discrimination complaints. Any district employee who receives a complaint that meets these criteria will promptly notify the compliance officer.
- C. Respondent** means 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 end, specific steps will be taken. The district is prohibited by law from intimidating, threatening, coercing or discriminating against any individual for the purpose of interfering with their right to file a grievance under this procedure and from retaliating against an individual for filing such a grievance.

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, personnel director or superintendent 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. During the course of the informal process, the district will notify complainant of their right to file a formal complaint.

B. Formal Process for Resolution

Level One: Complaint to District

The complaint must set forth the specific acts, conditions, or circumstances alleged to be in violation. Upon receipt of a complaint, the compliance officer will work with the

complainant to commit the complaint in writing and secure the signature of the complainant, and will provide the complainant a copy of this procedure. 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 or designee will respond to the complainant with a written decision as expeditiously as possible, but in no event later than 30 calendar days following receipt of the written complaint, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, the district will notify the complainant in writing of the reason for the extension and the anticipated response date. At the time the district responds to the complainant, the district must send a copy of the response to the Office of the Superintendent of Public Instruction.

The decision of the superintendent or designee will include: 1) a summary of the results of the investigation; 2) whether the district has failed to comply with anti-discrimination laws; 3) if non-compliance is found, corrective measures the district deems necessary to correct it; and 4) notice of the complainant's right to appeal to the school board and the necessary filing information. The superintendent's or designee's response will be provided in a language the complainant can understand and may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964.

Any 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.

Level Two - Appeal to Board of Directors

If a complainant disagrees with the superintendent's or designee's written decision, the complainant may file a written notice of appeal with the secretary of the board within ten (10) calendar days following the date upon which the complainant received the response. The board will schedule a hearing to commence by the twentieth (20) calendar day following the filing of the written notice of appeal unless otherwise agreed to by the complainant and the superintendent or for good cause. Both parties will be allowed to present such witnesses and testimony as the board deems relevant and material. Unless otherwise agreed to by the complainant, the board will render a written decision within thirty (30) calendar days following the filing of the notice of appeal and provide the complainant with a copy of the decision. The decision of the board will be provided in a language the complainant can understand, which may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act. The decision will include notice of the complainant's right to appeal to the superintendent of public instruction and will identify where and to whom the appeal must be filed. The district will send a copy of the appeal decision to the Office of the Superintendent of Public Instruction.

Level Three - Complaint to the Superintendent of Public Instruction

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

1. A complaint must be received by the Superintendent of Public Instruction on or before the twentieth (20) calendar day following the date upon which the complainant received written notice of the board of directors' decision, unless the Superintendent of Public Instruction grants an extension for good cause. Complaints may be submitted by mail, fax, electronic mail, or hand delivery.
2. A complaint must be in writing and include: 1) A description of the specific acts, conditions or circumstances alleged to violate applicable anti-discrimination laws; 2) The name and contact information, including address, of the complainant; 3) The name and address of the district subject to the complaint; 4) A copy of the district's complaint and appeal decision; and 5) A proposed resolution of the complaint or relief requested. If the allegations regard a specific student, the complaint must also include the name and address of the student, or in the case of a homeless child or youth, contact information.
3. Upon receipt of a complaint, the Office of the Superintendent of Public Instruction may initiate an investigation, which may include conducting an independent on-site review. OSPI may also investigate additional issues related to the complaint that were not included in the initial complaint or appeal to the superintendent or board. Following the investigation, OSPI will make an independent determination as to whether the district has failed to comply with RCW 28A.642.010 or Chapter 392-190, WAC and will issue a written decision to the complainant and the district that addresses each allegation in the complaint and any other noncompliance issues it has identified. The written decision will include corrective actions deemed necessary to correct noncompliance and documentation the district must provide to demonstrate that corrective action has been completed.

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

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

Level Four - Administrative Hearing

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

C. Mediation

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

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

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

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

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

D. 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

District Contact

Washougal School District Office
Attn: Human Resources/Records
4855 Evergreen Way
Washougal WA 98671
360.954.3000

State Contacts

Superintendent of Public Instruction
Equity and Civil Rights Office
P.O. Box 47200
Olympia, WA 98504-7200
360.725.6162

Sexual Harassment of District Staff Prohibited

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

Definitions

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

Under federal and state law, the term “sexual harassment” includes:

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

A “hostile environment” for an employee is created where the unwanted conduct is sufficiently severe or pervasive to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Investigation and Response

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

Allegations of criminal misconduct will be reported to law enforcement and suspected child abuse will be reported to law enforcement or Child Protective Services. Regardless of whether the misconduct is reported to law enforcement, school staff will promptly investigate to

determine what occurred and take appropriate steps to resolve the situation to the extent that such investigation does not interfere with an ongoing criminal investigation. A criminal investigation does not relieve the district of its independent obligation to investigate and resolve sexual harassment.

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

Retaliation and False Allegations

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

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

Staff Responsibilities

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

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

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

Notice and Training

The superintendent will develop procedures to provide information and education to district staff, 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 and regular volunteer orientation. This policy will be posted in each district building in a place available to staff, students, parents, volunteers and visitors. Information about the policy and procedure will be easily understood and conspicuously posted throughout each school building, provided to each employee, and will be reproduced in each staff, volunteer and parent handbook. Such notices will identify the District's Title IX Coordinator and provide contact information, including the coordinator's contact information.

Cross References

- Policy 3205 Sexual Harassment of Students Prohibited
- 3207 Prohibition of Harassment, Intimidation and Bullying
- 3210 Nondiscrimination
- 3211 Transgender Students
- 3240 Student Conduct
- 3421 Child Abuse, Neglect and Exploitation Prevention
- 5010 Nondiscrimination and Affirmative Action

- Legal References:
- | | |
|------------------------|--|
| RCW 28A.640.020 | Regulations, guidelines to eliminate discrimination — Scope—Sexual harassment policies |
| WAC 392-190-056-058 | Sexual harassment |
| 20 U.S.C. §§ 1681-1688 | |

Management Resources:

- 2015 – July Policy Alert
- 2014 – December
- 2010 - October

Adoption Date: 03.23.93
Washougal School District
Revised: 11.28.95; 06.26.07; 05.28.13; 11.17.15

Sexual Harassment of District Staff Prohibited

The procedure is intended to set forth the requirements of Policy 5011, including the process for a prompt, thorough, and equitable investigation of allegations of sexual harassment and the need to take appropriate steps to resolve such situations. If sexual harassment is found to have created a hostile environment, staff must take immediate action to eliminate the harassment, prevent its reoccurrence, and address its effects.

This procedure applies to sexual harassment (including sexual violence) targeted at district employees carried out by other students, employees or third parties involved in school district activities. The district has jurisdiction over these complaints pursuant to Title IX of the Education Amendments of 1972, Chapter 28A.640, RCW and Chapter 392-190 WAC.

Notice

Information about the district's sexual harassment policy will be easily understandable and conspicuously posted throughout each school building, provided to each employee and reproduced in each staff, volunteer and parent handbook. In addition to the posting and reproduction of this procedure and Policy 5011, the district will provide annual notice to employees that complaints pursuant to this procedure may be filed at District Office (4855 Evergreen Way, Washougal, WA).

Staff Responsibilities

In the event of an alleged sexual assault, the school principal will immediately inform: 1) the Title IX/Civil Rights Compliance Officer so that the district can appropriately respond to the incident consistent with its own grievance procedures; and 2) law enforcement. The principal will notify the targeted district staff person of their right to file a criminal complaint and a sexual harassment complaint simultaneously.

Confidentiality

If a complainant requests that his or her name not be revealed to the alleged perpetrator or asks that the district not investigate or seek action against the alleged perpetrator, the request will be forwarded to the Title IX Compliance Officer for evaluation. The Title IX Compliance Officer should inform the complainant that honoring the request may limit its ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator.

If the complainant still requests that his or her name not be disclosed to the alleged perpetrator or that the district not investigate or seek action against the alleged perpetrator, the district will need to determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students, staff and other third parties engaging in district activities, including the person who reported the sexual harassment. Although a complainant's request to have his or her name withheld may limit the district's ability to respond fully to an individual allegation of sexual harassment, the district will use other appropriate means available to address the sexual harassment.

Retaliation

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

Informal Complaint Process

Anyone may use informal procedures to report and resolve complaints of sexual harassment. Informal reports may be made to any staff member. Staff will always notify complainants of their right to file a formal complaint and the process for same. Staff will also direct potential complainants to the Title IX Compliance Officer at 4855 Evergreen Way, Washougal, WA or 360-954-3000. Additionally, staff will also inform an appropriate supervisor or professional staff member when they receive complaints of sexual harassment, especially when the complaint is beyond their training to resolve or alleges serious misconduct.

During the course of the informal complaint process, the district will take prompt and effective steps reasonably calculated to end any harassment and to correct any discriminatory effects on the complainant. If an investigation is needed to determine what occurred, the district will take interim measures to protect the complainant before the final outcome of the district's investigation (e.g., allowing the complainant to change academic or extracurricular activities or break times to avoid contact with the alleged perpetrator).

Informal remedies may include:

- 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;
- A statement from a staff member to the alleged harasser that the alleged conduct is not appropriate and could lead to discipline if proven or repeated;
- A general public statement from an administrator in a building reviewing the district sexual harassment policy without identifying the complainant.
- Developing a safety plan;
- Separating staff person; or
- Providing staff and/or student training.

Informal complaints may become formal complaints at the request of the complainant, parent or guardian, or because the district believes the complaint needs to be more thoroughly investigated. The district will inform the complainant how to report any subsequent problems. Additionally, the district will conduct follow-up inquiries to see if there have been any new incidents or instances of retaliation, and to promptly respond and appropriately address continuing or new problems. Follow-up inquiries will follow a timeline agreed to by the district and complainant.

Formal Complaint Process

Level One – Complaint to District

Anyone may initiate a formal complaint of sexual harassment, even if the informal complaint process is being utilized. At any level in the formal complaint process, the district will take interim measures to protect the complainant before the final outcome of the district's investigation. The following process will be followed:

Filing of Complaint

- All formal complaints will be in writing and will set forth the specific acts, conditions or circumstances alleged to have occurred and to constitute sexual harassment. The Title IX Compliance Officer may draft the complaint based on the report of the complainant for the complainant to review and approve. The superintendent or Title IX Compliance Officer may also conclude that the district needs to conduct an investigation based on information in his or her possession, regardless of the complainant's interest in filing a complaint.
- The time period for filing a complaint is one year from the date of the occurrence that is the subject matter of the complaint. However, a complaint filing deadline may not be imposed if the complainant was prevented from filing due to: 1) Specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint; or 2) Withholding of information that the district was required to provide under WAC 392-190-065 or WAC 392-190-005.
- Complaints may be submitted by mail, fax, e-mail or hand-delivery to the Title IX Compliance Officer at 4855 Evergreen Way, Washougal, WA 98671, 360-954-3000. Any district employee who receives a complaint that meets these criteria will promptly notify the Compliance Officer.

Investigation and Response

- The Title IX Compliance Officer will receive and investigate all formal, written complaints of sexual harassment or information in the Compliance Officer's possession that they believe requires further investigation. The Compliance Officer will delegate his or her authority to participate in this process if such action is necessary to avoid any potential conflicts of interest. Upon receipt of a complaint, the Compliance Officer will provide the complainant a copy of this procedure.
- Investigations will be carried out in a manner that is adequate in scope, reliable and impartial. During the investigation process, the complainant and accused party or parties, if the complainant has identified an accused harasser(s), will have an equal opportunity to present witnesses and relevant evidence. Complainants and witnesses may have a trusted adult with them during any district-initiated investigatory activities. The school district and complainant may also agree to resolve the complaint in lieu of an investigation.
- When the investigation is completed, the Compliance Officer will compile a full written report of the complaint and the results of the investigation.

Superintendent (of Designee) Response

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

Level Two -Appeal to Board of Directors

Notice of Appeal and Hearing

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

- The board will schedule a hearing to commence by the twentieth (20th) calendar day following the filing of the written notice of appeal, unless otherwise agreed to by the complainant and the superintendent or for good cause.
- Both parties will be allowed to present such witnesses and testimony as the board deems relevant and material.

Decision

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

Level Three - Complaint to the Superintendent of Public Instruction

Filing of Complaint

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

Investigation, Determination and Corrective Action

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

- Following the investigation, OSPI will make an independent determination as to whether the district has failed to comply with RCW 28A.642.010 or Chapter 392-190, WAC and will issue a written decision to the complainant and the district that addresses each allegation in the complaint and any other noncompliance issues it has identified. The written decision will include corrective actions deemed necessary to correct noncompliance and documentation the district must provide to demonstrate that corrective action has been completed.
- All corrective actions must be completed within the timelines established by OSPI in the written decision unless OSPI grants an extension. If timely compliance is not achieved, OSPI may take action including but not limited to referring the district to appropriate state or federal agencies empowered to order compliance.

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

Level Four - Administrative Hearing

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

Other Complaint Options

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

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

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

Washington State Human Rights Commission (WSHRC)

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

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

Mediation

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

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

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

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

Training and Orientation

A fixed component of all district orientation sessions for staff, students and regular volunteers will introduce the elements of this 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.

As part of the information on the recognition and prevention of sexual harassment staff, volunteers, students and parents will be informed that sexual harassment may include, but is not limited to:

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

Policy and Procedure Review

Annually, the superintendent or designee will convene an ad hoc committee composed of representatives of certificated and classified staff, volunteers, students and parents to review the use and efficacy of this policy and procedure. The Title IX/Civil Rights Compliance 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 provide a reasonably safe workplace and to provide safety and high quality performance for the students who the staff serves.

For the purposes of this policy the “workplace” is defined to mean the site for the performance of work done, which includes work done in connection with a federal grant. The “workplace” includes any district building or any district property; any district-owned vehicle or any other district-approved vehicle used to transport students to and from school or school activities; and off district 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 district which could also include work on a federal grant.

Prohibited Behavior

To help maintain a drug-free school, community, and workplace, the following behaviors will not be tolerated:

- A. Reporting to work or the workplace under the influence of alcohol, illegal and/or controlled substances, including marijuana (cannabis) and anabolic steroids.
Using, possessing, or transmitting alcohol, illegal and/or controlled substances, including marijuana (cannabis) and anabolic steroids, in any amount, in any manner, and at any time in the workplace
- B. Any staff member convicted of a crime attributable to the use, possession, or sale of illegal and/or controlled substances, including marijuana (cannabis) and anabolic steroids, will be subject to disciplinary action, including termination.
- 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) and anabolic steroids.
- D. Using, possessing or transmitting illegal and/or controlled substances, including marijuana (cannabis) and anabolic steroids.
- 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.

Notification Requirements

Any staff member who is taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with the safe performance of his/her job. If the use of a medication could compromise the safety of the staff member, other staff members, students or the public, it is the staff member’s responsibility to use appropriate personnel procedures (e.g., use leave, request change of duty, or notify his/her supervisor of potential side effects) to avoid unsafe workplace practices. If a staff member notifies his/her supervisor that the use of medication could compromise the safe performance of his/her job, 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 five (5) days after such conviction. The district will inform the federal government within ten (10) days of such conviction, regardless of the source of the information.

Disciplinary Action

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 will be subject to disciplinary action, which may include termination. As a condition of eligibility for reinstatement, an employee may be required to satisfactorily complete a drug rehabilitation or treatment program approved by the district, 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 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 Products and Delivery Devices
	Board Policy 5280	Separation from 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 §§ 7101-7117	Safe and Drug-Free Schools and Communities Act [as amended by Title IV – 21 st Century Schools]
	41 U.S.C. §§ 81043	Drug Free Workplace Act Requirements for Federal Grant Recipients

Management Resources:

2015 – December Issue	
2013 – February Issue	
2011 – December Issue	
<i>Policy News</i> , 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; 02.23.16

Conflicts of Interest

No district employee will engage in nor have a direct financial interest in any activity which conflicts with his/her duties and responsibilities. Further, no district employee may employ or use any person, money, or school property under the employee's official supervision, control or direction for the private gain of that employee or another.

Situations where a conflict of interest may exist include but are not limited to:

- A. Receiving economic benefit from selling or promoting the sale of goods or services to the students or their parents where the knowledge of the staff member's relationship to the district is in any way utilized to influence the sale;
- B. Receiving economic benefit from the sale of instructional and training materials and/or equipment where the district has specifically engaged a staff member(s) to develop such materials or equipment (in such instances, the district will retain a proprietary interest);
- C. Encouraging a student who is enrolled in one or more of the teacher's classes to take private lessons or to engage in tutoring for a fee from the staff member;
- D. Using or providing for others a list of names and home addresses obtained from school records or school-related contacts for purposes of identifying potential client or customer contacts;
- E. Participating in any way in the selection process for materials, books or equipment when an item developed by or authored by the staff member or a member of his/her family is under consideration for approval for district use;
- F. Being involved in the selection of an applicant or in the appointment, evaluation or supervision of any other staff member who is a family member;
- G. Using the interschool mail or email to promote sales of a product in which a staff member has a financial interest;
- H. Providing a staff or student directory for use in promoting sales of a product or service; and
- I. Purchasing or otherwise acquiring surplus district property, where the staff member was involved in or had influence in the process of declaring the item(s) as surplus.

Written permission from the superintendent/designee or principal is necessary when:

- A. A certificated staff member wishes to tutor or give private lessons for a fee to any student who is enrolled in one or more of the teacher's classes; or
- B. A school district employee, including a communication disorder specialists, psychologists or specialized music teachers, wishes to give private instruction for a fee to any student who is concurrently being served by that individual in the regular school program.

Exceptions

A district employee may use public resources to benefit others as part of the employee's official duties, if the expenditure is of *de minimus* value (of little or no value; no impact on public funds) and is purchased with the consent of his/her supervisor.

Legal Reference: RCW 28A.400.332
WAC 181-87-090

Use of persons, money, or property for
private gain
Improper remunerative conduct

Management Resources: 2015 – October Issue

Maintaining Professional Staff/Student Boundaries

Purpose

The purpose of this policy is to provide all staff, students, volunteers and community members with information about their role in protecting children from inappropriate conduct by adults. This policy applies to all district staff and volunteers. For purposes of this policy and its procedure, the terms “district staff”, “staff members”, and “staff” also include volunteers.

General Standards

The board expects all district staff to maintain the highest professional, standards when they interact with students. District staff are required to maintain an atmosphere conducive to learning by consistently maintaining professional boundaries.

Professional staff/student boundaries are consistent with the legal and ethical duty of care that district employees have for students.

The interactions and relationships between district staff 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 district.

District staff will not intrude on a student’s physical and emotional boundaries unless the intrusion is necessary to serve a demonstrated educational purpose. An educational purpose is one that relates to the staff member’s duties in the district. Additionally, staff members are expected to be aware of the appearance of impropriety in their own conduct and the conduct of other staff when interacting with students. Staff members will notify and discuss issues with their building administrator or supervisor whenever they suspect or question whether their own or another staff member’s conduct is inappropriate or constitutes a violation of this policy.

The board recognizes that staff may have familial and pre-existing social relationships with parents or guardians and students. Staff members should use appropriate professional judgement when they have a dual relationship to students to avoid violating this policy, the appearance of impropriety, and the appearance of favoritism. Staff members shall pro-actively discuss these circumstances with their building administrator or supervisor.

Use of Technology

The board supports the use of technology to communicate for educational purposes. However, district staff are prohibited from inappropriately communicating with students on-line or from engaging in any conduct on social networking websites that violates the law, district policies or procedures, or other generally recognized professional standards. Staff whose conduct violates this policy may face discipline and/or termination, consistent with the district’s policies and procedures, acceptable use agreement and collective bargaining agreements, as applicable.

The superintendent/designee will develop staff protocols for reporting and investigating allegations and develop procedures and training to accompany this policy.

Cross References: 3205 – Sexual Harassment of Students Prohibited
 3207 - Prohibition of Harassment, Intimidation and Bullying

3210 – Nondiscrimination

Legal References:

Title IX of the Education Amendments of 1972	
Chapter 9A.44, RCW – Sex offenses	
Chapter 9A.88, RCW – Indecent exposure – Prostitution	
RCW 28A.400.320	Crimes against children – Mandatory termination of classified employees – Appeal – Recovery of salary or compensation by district
RCW 28A.405.470	Crimes against children - Mandatory termination of certificated employees — Appeal — Recovery of salary or compensation by district
RCW 28A.405.475	Termination of certificated employee based on guilty plea or conviction of certain felonies — Notice to superintendent of public instruction - Record of notices
RCW 28A.410.090	Revocation or suspension of certificate or permit to teach — Criminal basis — Complaints — Investigation - Process
RCW 28A.410.095	Violation or noncompliance — Investigatory powers of superintendent of public instruction — Requirements for investigation of alleged sexual misconduct towards a child — Court orders — Contempt — Written findings required
RCW 28A.410.100	Revocation of authority to teach — Hearings
RCW 28A.640	Sexual Equality
RCW 28A.642	Discrimination Prohibition
RCW 49.60	Washington State Law Against Discrimination
Chapter 181-87 WAC	Professional Certification — Acts of Unprofessional Conduct
Chapter 181-88 WAC	Sexual Misconduct, Verbal and Physical Abuse - Mandatory Disclosure — Prohibited Agreements

Management Resources:

2015 – October Issue

Adoption Date: 06.08.10
Washougal School District
Revised: 05.28.13; 01.26.16

Maintaining Professional Staff /Student Boundaries

Boundary Invasions

In a professional staff/student relationship, staff 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 staff member 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 staff member that does not have an educational purpose and results in abuse of the staff/student professional relationship.

Inappropriate Boundary Invasion Examples

Examples of possible 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 district's policy on Sexual Harassment of Students (Policy 3205); Prohibition of Harassment, Intimidation and Bullying (Policy 3207); Nondiscrimination (Policy 3210); Title IX of the Education Amendments of 1972 (Title IX); the Washington State Law Against Discrimination (Chapter 49.60 RCW); or that constitutes misconduct under RCW 28A.640 and .642 or WAC 181-88-060; or any conduct that would constitute a violation of Chapter 9A.44 or 9A.88 RCW.
- 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 building administrator/supervisor and 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.)
- P. Soliciting phone, email, text messages or other forms of written or electronic communication to students without building administrator/supervisor and parent permission when the communication is unrelated to school work or other legitimate school business; or
- Q. Any other conduct that fails to maintain professional staff/student boundaries.

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 member must report the occurrence 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. Sending or soliciting email, text messages or other electronic communications to the student, even when the communication relates to school business, except where the parent or guardian and building administrator/supervisor has consented to such communications and receives a copy of the communication. Staff should use school email addresses and phone numbers and the parent/guardian phone numbers for communications with students, except in emergency situations.

Reporting Violations

Students and their parents/guardians are strongly encouraged to notify the principal (or other administrator) if they believe a staff member may be engaging in conduct that violates this policy or procedure.

Staff members are required to promptly notify the principal or the supervisor of the employee or volunteer suspected of engaging in inappropriate conduct that violates this policy or procedure.

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 file documenting reports of this nature which are made.

Reporting Sexual Abuse

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 Chapter 26.44, RCW. 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 may also be reported to the state Office of Professional Practices.

Training

All new employees and volunteers will receive training on appropriate staff/student boundaries within three months of employment or service. Continuing staff 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.

Reporting Improper Governmental Action (Whistleblower Protection)

The district encourages the reporting, consistent with the district'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/designee 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

Management Resources:

2015 – October Issue

Adoption Date: 04.27.93
Washougal School District
Revised: 05.28.13; 01.26.16

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.
 - 3. Improper governmental action does not include personnel actions including, but not limited to, employee grievances, complaints, appointments, promotions, transfers, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the collective bargaining and civil service laws, alleged labor agreement violations, or reprimands.
- 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 aware of actions that they believe constitute improper governmental action should raise the issue first with their supervisor. 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. If requested by the supervisor or superintendent/designee, the employee will submit a written report to the supervisor or superintendent/designee, stating in detail the basis for the employee’s belief that an improper governmental action has occurred.

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.

District officers and employees 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/designee 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.

Local City Police Dept. or County Sheriff's Office

Local City or County Environmental Protection Office

WA. Attorney General's Office
Consumer Protection Division
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
1-800-551-4636

Washington Auditor's Office
Insurance Building
Capitol Campus
P.O. Box 40021
Olympia, Washington 98504-0021
(360) 902-0370

Washington Department of Ecology
300 Desmond Drive or P.O. Box 47600
Lacey, Washington 98504-7600
(360) 407-6000

WA. Human Rights Commission
711 South Capitol Way, Suite 402
Olympia, Washington 98504-2490
(800) 233-3247

WA. Dept. of Labor & Industries
P.O. Box 44000
Olympia, Washington 98504-4400
(800) 547-8367

WA. Department of Natural Resources
1111 Washington St. SE or P.O. Box 47000
Olympia, Washington 98504-7000
(360) 902-1000

Local County Prosecutor's Office

Local or County Health Department

U. S. Department of Education
Office of the Inspector General
915 - 2nd Ave., Seattle, WA 98174
Audits: (800) MIS-USED

Environmental Protection Agency
Criminal Investigations
300 Desmond Dr. Ste. 102
Lacey, WA 98503
(360) 753-9437

Equal Employment Opportunity Comm.
(EEOC) 909 First Ave., #400
Seattle, WA 98104-1061
(800) 669-4000

Federal Emergency Mgmt. Agency (FEMA)
130 - 228th Street, Southwest
Bothell, WA 98021-8627
(425) 487-4600

U S Department of Labor
Occupational Safety and Health
1111 3rd Ave # 715
Seattle, WA 98101-3216
(206) 553-5930

National Transportation Safety Board
Washington, DC
429 L'Enfant Plaza SW
Washington D.C., DC 20024
(202) 314-6000

U S Department of Transportation
Office of Inspector General
Complaint Intake Unit, Mail Stop 7886
1401 Constitution Avenue, N.W.
Washington, DC 20230
(800) 424-5197

WA Superintendent of Public Instruction
Old Capitol Building
P O Box 47200
Olympia, Washington 98504-7200
(360) 725-6000

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

Adoption Date: 06.11.13
Washougal School District

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.

WASHOUGAL SCHOOL DISTRICT

4855 EVERGREEN WAY
PH: 360.954.3000



WASHOUGAL, WA 98671
FAX: 360.835.7776

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: _____

Staff Safety

The board recognizes that safety and health standards should be incorporated into all aspects of the operation of the district. Rules for safety and prevention of accidents will be posted in compliance with OSHA and WISHA requirements. All hazardous chemicals will be identified and properly labeled. Staff members will be trained in the use of these chemicals specific to their respective jobs. Proper records will be maintained to verify that all of the preventive and safety measures are in place. Injuries and accidents will be reported to the district office.

The district will have at least one staff member at each school and work site in the district who holds a valid certificate of first aid training or equivalent training provided by a district nurse. Each school and work site will have first aid supplies readily accessible and if the work site has more than fifty employees a first-aid station will be established.

The superintendent will develop necessary safety and health standards to comply with Department of Labor requirements.

Cross Reference: Board Policy 6512

Infection Control Program

Legal References: [Chapter 49.17 RCW](#)

Washington Industrial Safety and Health Act

Staff Safety

The supervisor of each school and/or work site in the district is responsible for:

A. General Safety

1. Maintaining a log and summary of all recordable occupational injuries and illnesses occurring at the work site. (A recordable occupational injury or illness is any injury or illness which results in an occupational fatality, lost work days, need for transfer to a new job, or medical treatment beyond first aid);
2. Providing training programs to improve the skill and competency in the safe use of powered materials handling equipment, use of machine tool operations, use of toxic material, and operation of utility systems prior to assignment to jobs involving such exposures;
3. Implementing an accident prevention program which describes how to report unsafe conditions, how to use protective equipment, how to respond to emergencies and how to report injuries;
4. Forming a safety and health committee composed of representative of management and employees, which will review safety and health inspections to assist in correction of identified unsafe conditions or practices and to evaluate accident investigations and recommend improvements where needed. (Minutes of the committee will be recorded and will be retained for one year);
5. Maintaining a safety bulletin board sufficient in size to post and display safety bulletins, newsletters, posters, accident statistics and other safety educational material;
6. Assuring that a person who holds a valid certificate of first aid training is present or available at all times;
7. Maintaining a well-marked first aid kit, or first aid station if the work site has more than fifty employees; and
8. Furnishing a work place free of safety hazards and containing such safety devices and safeguards as are consistent with Labor and Industries requirements.

B. Worker Right to Know (chemical hazards)

1. Preparing and maintaining an up-to-date list of hazardous chemicals present at each site;
2. Labeling of hazardous chemicals at each site;
3. Photocopying or purchasing any required hazard warnings;
4. Replacing missing, unreadable, or incorrect labels;
5. Requiring Material Safety Data Sheets (MSDS) for all incoming chemicals;
6. Maintaining current MSDS files and distributing to supervisors;\;
7. Maintaining easily accessible MSDS files, and making MSDS's available to staff members;
8. Training staff members at time of initial assignment or whenever a new hazard is introduced;
9. Preparing a training manual which immediate supervisors can use to create training sessions specific to their site; and
10. Maintaining records which show that employees have received training and information.