

Prohibition of Harassment, Intimidation or Bullying

Purpose

This policy prohibits the harassment, intimidation and bullying by or against any students, employees, volunteers or patrons of the district.

Scope

This policy informs the Superintendent, employees, volunteers, patrons, parents or guardians and students.

Policy

1. The district is committed to a safe and civil educational environment for all students, employees, parents and legal guardians, volunteers and patrons, which is free from harassment, intimidation or bullying.
2. **DEFINITIONS**
 - 2.1. As defined in legislation, "harassment, intimidation or bullying" means any intentional electronic, written, verbal or physical act including, but not limited to, one shown to be motivated by any characteristic in RCW 28A.640.010 or 28A.642.010 (race, creed, color, religion, national origin, honorably discharged veteran or military status, sex, sexual orientation, gender expression or identity, the presence of any mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability) or other distinguishing characteristics, when the act:
 - (a) Physically harms a student or damages the student's property.
 - (b) Has the effect of substantially interfering with a student's education.
 - (c) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment.
 - (d) Has the effect of substantially disrupting the orderly operation of the school.
 - 2.2. Nothing in this section requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation, or bullying.
 - 2.3. "Other distinguishing characteristics" can include but are not limited to physical appearance, clothing or other apparel, socioeconomic status, and weight.
 - 2.4. "Intentional acts" refers to the individual's choice to engage in the act rather than the ultimate impact of the action(s).
3. **BEHAVIORS/EXPRESSIONS**
 - 3.1. This policy recognizes that harassment, intimidation or bullying are separate but related behaviors. Each must be addressed appropriately. The accompanying procedure differentiates the three behaviors; however, this differentiation should not be considered part of the legal definition of these behaviors.

- 3.2. Harassment, intimidation or bullying can take many forms including, but not limited to, slurs, rumors, jokes, innuendos, demeaning comments, drawings, cartoons, pranks, gestures, physical attacks, threats or other written, oral, physical, or electronically transmitted messages or images.
- 3.3. 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.

4. TRAINING AND PREVENTION

- 4.1. This policy is a component of the district's responsibility to create and maintain a safe, civil, respectful and inclusive learning community and shall be implemented in conjunction with comprehensive training of staff and volunteers. Specific training requirements are included in the accompanying procedure.
- 4.2. 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.

5. INTERVENTIONS

- 5.1. Interventions are designed to remediate the impact on the targeted student(s) and others impacted by the violation, to change the behavior of the aggressor, and to restore a positive school climate.
- 5.2. 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.

6. STUDENTS WITH INDIVIDUAL EDUCATION PLANS (IEP) OR SECTION 504 PLANS

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

monitoring and/or reevaluation or revision of the student's IEP or Section 504 plan, to ensure the student receives FAPE.

7. RETALIATION/FALSE ALLEGATIONS

- 7.1. 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, or participating in an investigation.
- 7.2. 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.

8. COMPLIANCE OFFICER

- 8.1. 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 district compliance officer will participate in a least one mandatory training opportunity offered by OSPI.
- 8.2. The Superintendent is authorized to direct the implementation of procedures addressing the elements of this policy.

Related Procedures

3205P1-Sexual Harassment of Students Prohibited
3207P1-Prohibition of Harassment, Intimidation or Bullying
3210P1-Nondiscrimination
3241P1-Student Discipline

Policy Cross References

2161-Special Education and Related Services for Eligible Students
3200-Rights and Responsibilities
3205-Sexual Harassment of Students Prohibited
3210-Nondiscrimination
3211-Gender Nondiscrimination
3241-Student Discipline
5011-Sexual Harassment of District Staff Prohibited
5253-Maintaining Professional Staff-Student Boundaries

Policy Legal References

RCW 28A.600.477 – Prohibition of harassment, intimidation, and bullying RCW 28A.600.480 – Reporting of harassment, intimidation, or bullying—Retaliation prohibited—Immunity
Chapter 28A.642 RCW – Discrimination prohibition

Chapter 49.60 RCW – Discrimination – Human Rights Commission

WAC 392-190-059 – Harassment, intimidation, and bullying prevention policy and procedure—
school districts

Management Resources

[Office for Civil Rights Dear Colleague Letter: Responding to Bullying of Students with Disabilities \(OCR 10/21/2014\)](#)

Policy Alert, August 2019

Policy & Legal News, July 2019 – Protecting All Your Students

Policy & Legal News, December 2014 – Litigation predicted to increase for bullying of disabled students

Policy News, December 2010 – Harassment, Intimidation and Bullying Policy Strengthened

Policy News, April 2008 – Cyber-bullying Policy Required

Policy News, April 2002 – Legislature Passes and Anti-Bullying Bill

Policy History

Action:	Date:
Approved by the Board	November 20, 2002
Revised	June 15, 2011
Revised	January 28, 2015
Revised	January 15, 2020
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Revised	

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