



Requirements for  
Coaches  
&  
Volunteer Coaching Staff

2023-2024

*Human Resources Office  
Bremerton School District*

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## Coach and Volunteer Coach Agreement

The BSD enthusiastically joins with the WIAA in embracing a coaching code of ethics.

As a coach in the Bremerton School District you are entrusted to be a mentor and role model for our student athletes. As such, you are expected to abide by the following:

- To be aware that you have a tremendous influence on the education of the athletes and will never place the value of winning above the value of instilling the highest ideas of character
- Exhibit sportsmanlike conduct at all times
- Treat all athletes with respect, including opponents
- Utilize positive motivational strategies to encourage athletic performance
- Understand that parents are their athletes' advocates and will treat them with high regard and communicate effectively, including returning phone calls and emails in a timely fashion
- ***Understand that District provided email must be used to communicate; personal email is not an acceptable form of communication to staff, athletes or parents***
- Always approach officials with composure – I understand that I am constantly being observed by others
- Uphold all health and safety standards, providing immediate attention to injured athletes
- Honor the power of the press – I will maintain positive media relations
- Apply rules consistently to all athletes
- Read and understand all policies and procedures
- Understand that the athletics program is an integral part of the total educational process
- I will provide support for students' ongoing academic success

Above all, I agree to create good athletes and good human beings.

**I understand that a violation of these agreements may result in disciplinary action, up to and including discharge.**

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Print Name

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Signature

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Date

## MEMORANDUM

August 2023

TO: Bremerton School District Coaches

FROM: Carol Bailie, Human Resources Supervisor

SUBJECT: NOTIFICATION OF REASONABLE ASSURANCE – COACHING STAFF

Thank you performing the duties of a coach during the 2023-2024 school year. As you are aware, these positions are for one-season-only. The chart below indicates the work period and non-work period for each season, however, the specific sport may have some variation in dates. [Check the WIAA season dates.](#)

**Fall Season – BHS**

August 16, 2023 – December 2, 2023	Work Period
December 3, 2023 - August 31, 2024	Non-Work Period (Remainder of School/Summer Break)

**Winter Season - BHS**

August 16, 2023 – October 29, 2023	Non-Work Period (Fall Season)
October 30, 2023 - December 20, 2023	Work Period
December 21, 2023 – January 2, 2024	Non-Work Period (Winter Break)
January 3, 2024 – March 23, 2024	Work Period
March 24, 2024 - August 31, 2024	Non-Work Period (Spring Season, Summer Break)

**Spring Season – BHS**

August 16, 2023 – February 25, 2024	Non-Work Period (Fall/Winter Seasons)
February 26, 2024 – May 25, 2024	Work Period
May 26, 2024 - August 31, 2024	Non-Work Period (End of School/Summer Break)

**Fall Season – MVMS**

September 1, 2023 – October 20, 2023	Work Period
October 23, 2023 - August 31, 2024	Non-Work Period (Remainder of School/Summer Break)

**Winter 1 Season - MVMS**

August 17, 2023 – October 30, 2023	Non-Work Period (Fall Season)
October 31, 2023 – December 14, 2023	Work Period
December 15, 2023 – August 31, 2024	Non-Work Period (Winter break, Winter 2, Spring Season, Summer Break)

**Winter 2 Season - MVMS**

August 17, 2023 – January 10, 2024	Non-Work Period (Fall Season, Winter 1, Winter Break)
January 11, 2024 – March 11, 2024	Work Period
March 12, 2024 - August 31, 2024	Non-Work Period (Spring Season, Summer Break)

**Spring Season – MVMS**

August 17, 2023 – March 19, 2024	Non-Work Period (Fall/Winter Seasons)
March 20, 2024 – May 24, 2024	Work Period
May 25, 2024 - August 31, 2024	Non-Work Period (End of School/Summer Break)

Because coaching positions are for one-season-only and have a designated length of time, I understand that during non-work periods, I am ineligible for unemployment benefits.

**VERIFICATION OF RECEIPT:** I hereby acknowledge receipt of this notice.

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 Please Print

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 Signature

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 Date

*Response on file at Bremerton School District, Human Resource Office,  
134 Marion Avenue N., Bremerton, WA 98312*



OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION  
Professional Certification  
Office of Professional Practices  
Old Capitol Building, PO BOX 47200  
OLYMPIA WA 98504-7200  
OPP (360) 725-6130 TTY (360) 664-3631  
Web Site: <http://www.k12.wa.us/certification>  
E-Mail: [cert@k12.wa.us](mailto:cert@k12.wa.us)

## CHARACTER AND FITNESS SUPPLEMENT

Please complete the following questions carefully and completely before providing information and signing the affidavit. **Any falsification or deliberate misrepresentation, including omission of a material fact, in completion of this application can be grounds for denial of certification, or in the case of a certificate holder, reprimand, suspension, or revocation of the educational certificate, credential, or license.**

ALL REQUIRED DOCUMENTATION REQUESTED BELOW MUST ACCOMPANY THIS FORM. ALL QUESTIONS MUST BE ANSWERED. IF ADDITIONAL SPACE IS NEEDED, ATTACH ON A SEPARATE SHEET OF PAPER.

### SECTION I - PERSONAL INFORMATION (please print or type)

1. NAME LAST FIRST MIDDLE	2. MAIDEN NAME
3. ADDRESS CITY/STATE/ZIP	4. DATE OF BIRTH
5. SOCIAL SECURITY NO. (OPTIONAL)	
6. TELEPHONE BUSINESS: ( ) HOME: ( )	7. E-MAIL
8. Please list all former names you have used and approximate dates of use. (If more than three, list on separate sheet of paper.)	
Date	
Date	
Date	

### SECTION II - PROFESSIONAL FITNESS

- | Yes                      | No                       |                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Have you ever held or do you currently hold a Washington education certificate?                                                                                                                                                                                                                                                                       |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Have you ever held or do you currently hold any education certificate, credential or license authorizing service in the public/private schools in another state, province, territory, or country? If "yes," list the states, provinces, territories, and/or countries:                                                                                |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Are you currently or have you ever been the subject of any certificate or licensing investigation or inquiry by any certification or licensing agency for allegations of misconduct? If "yes," on a separate sheet of paper, list the agency, including complete address and telephone number as well as the purpose of the investigation or inquiry. |

**If you answer "yes" to questions 4 through 11 (Section II), on a separate sheet of paper, give a complete explanation, including duties, circumstances, and supporting documentation.**

- |                          |                          |                                                                                                                                                                                                                         |
|--------------------------|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Have you ever had any adverse action taken on any certificate or license? (Adverse action includes letters of warning, reprimands, suspensions [including stayed], revocations, voluntary surrenders, or avoidance.) |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Have you ever been denied, or otherwise rejected for cause, an education certificate, credential, or license?                                                                                                        |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Have you ever withdrawn an application for any education certificate, credential, or license?                                                                                                                        |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Have you ever practiced in any educational position in a public school for which you did not hold the appropriate valid educational certificate, credential, or license for that position?                           |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Have you ever been dismissed, discharged, or fired from any employment position involving children or dependent adults? (Do not include RIFs)                                                                        |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Have you ever resigned from or otherwise left any employment (e.g., settlement agreement) while allegations of misconduct were pending?                                                                              |

- |                                 |                                |                                                                                                                                              |
|---------------------------------|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> | 10. Have you ever been disciplined by a past or present employer because of allegations of misconduct?                                       |
| <input type="checkbox"/>        | <input type="checkbox"/>       | 11. Are you currently or have you ever been the subject of any investigation or inquiry by an employer because of allegations of misconduct? |

### SECTION III - CRIMINAL HISTORY

**If you answer "yes" to any of the questions 1–5 (Section III), please provide the following:**

- A. On a separate sheet of paper state the following:
- A detailed statement including what occurred, the nature of the offense, charge or warrant.
  - The name and address of the arresting agency.
  - If a court was involved, the name and address of the court.
  - The date of the arrest.
  - The final disposition, if any.
- B. If a court was involved, provide a copy of the court docket (can be obtained at the court in which the charge[s] were filed).
- C. Provide a copy of the complete arresting officer's report.
- D. If a court was involved, provide the sentence and judgment (can be obtained at the court in which the charge[s] were filed).
- E. If the arrest was driving related, provide a copy of a current and complete 5-year driving abstract.

NOTE: For questions 1, 2, 3, DO NOT include minor in possession (MIP)/minor in consumption (MIC) occurring more than 2 years ago or driving under influence (DUI) occurring more than 5 years ago.

- |                                 |                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------------------------------|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> | 1. In the last 10 years, have you ever been arrested for any crime or violation of the law? (Do NOT include Minor in Possession [MIP]/Minor in Consumption [MIC] occurring more than 2 years ago or Driving Under Influence [DUI/DWI] occurring more than 5 years ago.) (Note: For "yes" responses to 1, 2, 3, even if your case was dismissed or your record was sealed you must answer this question in the affirmative.) You need not list traffic violations for which a fine or forfeiture of less than \$300 was imposed. |
| <input type="checkbox"/>        | <input type="checkbox"/>       | 2. In the last 10 years, have you ever been fingerprinted as a result of any arrest for any crime or violation of the law?                                                                                                                                                                                                                                                                                                                                                                                                      |
| <input type="checkbox"/>        | <input type="checkbox"/>       | 3. In the last 10 years, have you ever been convicted of any crime or violation of any law? (Note: For the purpose of this question "convicted" includes [1] all instances in which a plea of guilty or nolo contendere is the basis of conviction, [2] all proceedings in which a sentence has been suspended or deferred, [3] or bail forfeiture.) You need not list traffic violations or fines for which a fine or forfeiture of less than \$300 was imposed.                                                               |
| <input type="checkbox"/>        | <input type="checkbox"/>       | 4. Have you ever been convicted of any felony crime?                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <input type="checkbox"/>        | <input type="checkbox"/>       | 5. Do you currently have any outstanding criminal charges or warrants of arrest pending against you? This would include Washington State, any other state, province, territory, and/or country.                                                                                                                                                                                                                                                                                                                                 |
| <input type="checkbox"/>        | <input type="checkbox"/>       | 6. Have you ever been or are you presently under investigation in any jurisdiction for possible criminal charges? If your answer is "yes," identify agency and location (street address, city, state) and the circumstances or details relating to the investigation on a separate piece of paper.                                                                                                                                                                                                                              |

### SECTION IV - FITNESS

**If you answer "yes" to any question (Section IV), provide a written explanation on a separate sheet of paper:**

- |                                 |                                |                                                                                                                                                                                                                                                                                                          |
|---------------------------------|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> | 1. Have you ever exhibited any behavior or conduct which might negatively impact your ability to serve in a role which requires a certificate, credential, or license?                                                                                                                                   |
| <input type="checkbox"/>        | <input type="checkbox"/>       | 2. In the past 10 years, have you ever engaged in any conduct which resulted in the damage or destruction of property? (For purposes of questions 2 and 3, property includes both real and personal property owned by you or another. Do not list damages done as the result of an automobile accident.) |
| <input type="checkbox"/>        | <input type="checkbox"/>       | 3. In the last 10 years, have you ever threatened to damage or destroy property?                                                                                                                                                                                                                         |
| <input type="checkbox"/>        | <input type="checkbox"/>       | 4. Have you ever engaged in any conduct which resulted in the physical injury or harm of any person(s)? (Do not list injury or harm caused as the result of duties performed due to a job assignment such as police officer, armed forces member, or athlete.)                                           |
| <input type="checkbox"/>        | <input type="checkbox"/>       | 5. Have you ever threatened to do physical injury or harm to any person(s)? (Do not list threats issued as the result of duties performed due to a job assignment such as police officer, armed forces member, or athlete.)                                                                              |

**SECTION IV - FITNESS**

Yes No  
☐ ☐

6. Do you have a medical condition which in any way impairs or limits your ability to serve in a certificated role with reasonable skill and safety?

☐ ☐ N/A  
☐ ☐

7. If you use chemical substance(s), does this use in any way impair or limit your ability to serve in a certificated role with reasonable skill and safety?

☐ ☐ N/A  
☐ ☐

If you disclosed a "yes" answer to questions 6 or 7 above, are the limitations or impairments caused by your medical condition(s) or substance abuse reduced or ameliorated because you receive ongoing treatment (with or without medications) or participate in a monitoring program? Please explain on a separate sheet of paper and provide the name, address, and telephone number of the program.

☐ ☐

8. Do you currently use illegal drugs?

☐ ☐

9. Have you used illegal drugs in the last year?

☐ ☐ N/A  
☐ ☐

If you disclosed a "yes" answer to question 9 above, have you successfully completed or are you participating in a supervised rehabilitation program? Please explain on a separate sheet of paper and provide the name, address, and telephone number of the program.

**If you answer "yes" to questions 10 or 11, attach copies of any court orders entered in the proceeding.**

Yes No  
☐ ☐

10. Have you ever been found in any dependency or domestic relation matter to have sexually assaulted or exploited any minor?

☐ ☐

11. Have you ever been found in any dependency or domestic relation matter to have physically abused any person?

**If you answer "yes" to questions 12 or 13, and a repayment agreement has been established, attach copies of the repayment agreement from the appropriate agency.**

Yes No  
☐ ☐

12. Are you currently in default status on any educational loan or scholarship? (Do not include loans that are currently in a compliant deferment status.)

☐ ☐

13. Are you currently in non-compliance with a support order?

**SECTION V - CHARACTER REFERENCES**

List three individuals, not related to you, who will serve as character references.

NAME	TELEPHONE NUMBER ( )
MAILING ADDRESS	CITY/STATE/ZIP
E-MAIL ADDRESS (OPTIONAL)	
NAME	TELEPHONE NUMBER ( )
MAILING ADDRESS	CITY/STATE/ZIP
E-MAIL ADDRESS (OPTIONAL)	
NAME	TELEPHONE NUMBER ( )
MAILING ADDRESS	CITY/STATE/ZIP
E-MAIL ADDRESS (OPTIONAL)	

**\* ATTENTION \***

**Please complete the appropriate sections on the next page (pg. 4 of 4).**



**ALL APPLICANTS MUST COMPLETE THE AFFIDAVIT**

**AFFIDAVIT**

I, \_\_\_\_\_ certify (or declare) under the penalty of perjury under the laws of the state of Washington that the foregoing and all information included in the application is true and correct.

If the information provided or answer(s) to any question on the application or character and fitness supplement changes prior to my being granted certification, I must immediately notify the Office of Professional Practices and my college/university if I am a college/university candidate.

I understand I must answer this application truthfully and completely. Any falsification or deliberate misrepresentation, including omission of a material fact, in completion of this application can be grounds for denial of certification, or in the case of a certificate holder, reprimand, suspension, or revocation of the educational certificate, credential, or license.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
CITY/STATE

**THE FOLLOWING AFFIDAVIT MUST BE COMPLETED BY WASHINGTON COLLEGE/UNIVERSITY STUDENTS AND THOSE COMPLETING A PESB APPROVED TRAINING PROGRAM.**

**AFFIDAVIT**

I hereby authorize \_\_\_\_\_ to release, orally or in writing as may be requested, all student  
(name of institution or organization)  
records and other personally identifiable information to the Office of the Superintendent of Public Instruction (OSPI) for the purpose of investigating and determining my eligibility for Washington State certification pursuant to RCW 28A.410, WAC 181-86, and WAC 181-87, as now or hereafter amended.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
DATE

- A. The Games Committee may be composed of no fewer than three, nor more than five, members. Games committee members may include 1) the event manager or designee; 2) the head official; 3) a coach, athletic director or school administrator not involved in the appeal; and may include 4) the official scorekeeper or 5) another event staff member.
- B. The Games Committee members may not have a conflict of interest with the teams/individuals involved with the appeal.
- C. The Games Committee may assist the event manager as needed and be immediately available to him/her at all times during the event.
- D. The Games Committee will act as an arbitration board to review an appeal of an ejection due to incorrect judgment.
- E. Providing the Games Committee overturns a judgment call that led to an ejection, the suspension may be vacated.
- F. The decision of the Games Committee is final.

**19.14.0 PROTESTS OF ELIGIBILITY** - Any member school, which has reason to believe that a student is not in compliance with WIAA eligibility standards, may protest the student's eligibility by written notification to the principal of the school that the student attends.

19.14.1 Whenever the eligibility of a student is protested in the manner described above, a representative of the school which the student attends shall notify the student of his/her protested ineligibility and right to apply to the WIAA District Eligibility Committee as prescribed in Article 19 of the Handbook concerning his/her eligibility.

19.14.2 In addition to the above, the District Eligibility Chairperson may appoint a Fact Finder to investigate matters pertaining to the protest.

19.14.3 In addition to the above requirements, the District Eligibility Chairperson may, as an added condition of eligibility, require that a transferring student submit a WIAA Previous School Statement. This form must be signed by the principal of the school from which the student has transferred, indicating the principal's approval of athletic eligibility for the transferring student. A copy of the signed form must be retained on file in the school office for the duration of the student's attendance at that school.

19.14.4 Unless such written protest is submitted by that member school at least seven (7) school business days before the student's first opportunity to participate in an interscholastic contest, the student shall remain eligible during the appeal process provided for in Article 19 of this Handbook.

## **WIAA Requirements**

### **Section 20.0.0-20.8.0**

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#### **20.0.0 COACHES**

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**PHILOSOPHY OF COACHES:** *Coaches are primarily responsible for imparting valuable educational experiences to student participants. Therefore, the WIAA believes that all coaches should have training in at least the essential areas of study required for a physical education teacher's endorsement in Washington secondary schools and the NFHS Coaches Education Program.*

**20.1.0 DEFINITION OF A HEAD COACH** - A head coach is that person in charge of the highest level team for that building (e.g.), the person responsible for the highest level (varsity) team in a building that houses grades 10-12 is the head coach; the person who is responsible for the highest level team in a building that houses grades 7-9 is the head coach.

**20.2.0 EMPLOYEE OF THE DISTRICT** - No school team or individual contestant shall be eligible to represent a school in an athletic contest unless the coach has been approved by the School Board of the school district in which he/she coaches.

20.2.1 This requirement applies to all paid and/or volunteer coaches. Volunteers become representatives of the District, and may serve as coaches, only upon registration, approval and authorization of the school district Board of Directors.

20.2.2 Coaching stipends and all gifts to a coach exceeding a total of \$500 in a season must be approved by the school's board of directors.

**20.3.0 SUPERVISION** - A school appointed coach, or another appointed member of the school faculty, must accompany any school team (or individual) at any time in connection with school sponsored interscholastic competition.

**20.4.0 COACHING REQUIREMENTS** - For initial employment as a paid and/or volunteer interscholastic coach, an individual must meet the following requirements: (Also refer Coaching Standards Checklist in Appendix 17).

20.4.1 Be a high school graduate or have completed a graduation equivalency diploma (GED) program.

- A. Be at least 21 years of age to be a head coach.
- B. Be at least 19 years of age to be an assistant coach except as in c. below.
- C. High school students may serve as middle level volunteer assistant coaches during the designated middle school season when under the direct supervision of the middle level coach. These high school students must meet WIAA coaches standards minimum requirements to hold a valid First Aid Certification and a valid CPR card.

- 20.4.2 Annually complete the WIAA general rules clinic and the WIAA approved rule clinic for the sport being coached prior to the end of the third week of the sports season.
- A. All high school and middle level paid coaches and volunteers acting as head high school head coaches.
  - B. Volunteer assistant coaches – recommended, but not required.
- 20.4.3 Hold a valid current First Aid Certification or have completed a School District approved Athletic Training/Sports Medicine course equivalent to the Red Cross First Aid Card training or be enrolled in a First Aid class. A Sports Medicine course is to include prevention of injuries, recognition of injuries, emergency on-site procedures including transporting the injured, and rehabilitation of injuries. If a Sports Medicine course is used to fulfill this requirement, it must be renewed every three (3) years.
- 20.4.4 Hold a valid current CPR Certification or be enrolled in an approved CPR Course, it must be renewed every three (3) years.
- 20.4.5 Have successfully completed Concussion recognition and management with Return to Play Protocols training as required by Washington State Law that must be renewed every three (3) years.
- 20.4.6 Have successfully completed Sudden Cardiac Arrest Awareness and Training as required by Washington State Law that must be renewed every three (3) years.
- 20.4.7 Before the beginning of the third year of coaching, a member school coach (paid or volunteer) must complete a school district approved Coaching Principles training that requires a minimum of five (5) hours of instruction, or complete the NFHS Coaches Fundamentals Course, or attend all sessions of the WIAA Coaches School, or other Coaches School as approved by the WIAA or the local school district. After initial completion, coaches will be required to repeat this training every three (3) years. The training may include but is not limited to:
- A. Medical aspects of coaching - Health and Welfare
    - Care and Prevention of student injury
    - Athletic Training/Sports Medicine
    - Chemical and Substance Abuse
    - Injury Rehabilitation
    - Nutrition
    - Kinesiology
    - Exercise Physiology
  - B. Legal Aspects of Coaching - Litigation, Liability
    - School Physical Education, Sports, or Athletic Law
    - Annual review of rule changes and application of rules
    - School Board Policies, WIAA Rules, School Law
  - C. Psycho/Social Foundations
    - Sociology and Psychology of Sports (adolescent psychology, sports sociology and psychology, motivation, dealing with substance abuse.)
    - Philosophy of Interscholastic Activities Programs
    - Coaching Techniques
    - Instructional methods in physical education/activities
    - Instructional methods in physical education for handicapped
    - Instructional methods in interscholastic sports
    - Philosophy/Sports Management/Pedagogy
- 20.4.8 Red Cross Safety Training for Swim Coaches or Lifeguard Certification is required for all swim coaches. Red Cross Safety Training for Swim Coaches, U.S. Diving Safety certification or Lifeguard Certification is required for diving coaches.
- A. Each team must have a certified swim coach on site during practice and competition in order for an athlete(s) to be eligible to participate in swimming.
  - B. Each team must have a certified dive coach on site during practice and competition in order for an athlete(s) to be eligible to participate in diving.
- 20.4.9 “Hands on” Pole Vault Coaches Training is required for pole vault coaches. Coaches must be recertified every three (3) years with “hands on” training to be required the first year and either the “hands on” training or completion of WIAA-approved online courses in subsequent years.
- Each team must have a certified pole vault coach on site during practice and competition in order for an athlete(s) to be eligible to participate in pole vault.

- 20.4.10 Stunt Certification is required for cheer coaches and dance/drill coaches who intend to have their cheer or dance/drill squad(s) perform stunts. The certification program must be approved by the Washington State Cheer Coaches Association, the Washington State Dance/Drill Coaches Association, and the WIAA. Coaches must be recertified every three (3) years with "hands on" training.
- Each team must have a stunt certified coach on site during practice and competition in order for an athlete(s) to be eligible to stunt.
- 20.4.11 All Middle School and High School football coaches must complete school-district approved technique specific safety training similar to "Heads Up Football". The training must include, but is not limited to, "hands on" Safer Tackling Techniques and Drills, Helmet and Shoulder Pad fitting, Concussion management with Return to Play Protocols following a concussion, Heat and Hydration training and Sudden Cardiac Arrest training. Football coaches will be required to repeat this training every three years.
- 20.4.12 Washington State Patrol Criminal History Information – The employing school district is required by RCW 43.43.830 to file the Washington State Patrol Criminal History Information for paid and/or volunteer coaches.
- 20.5.0 COACHES EDUCATION COMPLIANCE** - Only paid and/or volunteer coaches who have met the coaches standards are eligible to coach or be involved in a practice or competition.
- If a school district has more restrictive coaching standards, the coach will be held to the more restrictive standard.
- 20.6.0 SHARED COACHING** - The WIAA Executive Director may approve shared coaching in diving, pole vaulting and gymnastics that have been determined to pose a safety or health concern for student athletes due to the qualifications or lack thereof of available coaching staff. Prior to approval the following criteria must be documented or verified to the Executive Director by the requesting member school:
- 20.6.1 The requesting school district has determined no qualified coaching is available, and the shared coach is qualified and approved (employed) by the local school district in compliance with Coaching Standards as set forth by the WIAA.
- 20.6.2 The "specialized" program must be made available to all athletes in that event (e.g., under the safety purposes of this permissive rule, if a school sends one pole vaulter to a shared coach, the school must send all pole vaulters from the school).
- 20.6.3 Coaching will be only during the WIAA adopted season for the sport.
- 20.6.4 Approval must be requested during the first year of each classification period.
- 20.6.5 Each team must have a certified swim coach on site during practice and competition in order for an athlete(s) to be eligible to participate in swimming.
- 20.6.6 Each team must have a certified dive coach on site during practice and competition in order for an athlete(s) to be eligible to participate in diving.
- 20.7.0 NEGATIVE COMMENTARY BY COACHES AND/OR OFFICIALS** - The WIAA prohibits negative commentary or statements to the media or general public in any form relative to officiating prior to, during, or following any interscholastic activity or athletic event. This rule applies equally to members of the Washington Officials Association relative to coaching tactics or administrative responsibilities.

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## **21.0.0 OFFICIALS**

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The control, supervision and regulation of school officials shall be under the direction of the Washington Officials Association or any other voluntary nonprofit entity.

- 21.1.0 REGISTERED OFFICIAL** - A registered official is properly enrolled with the Washington Officials Association, has paid the appropriate association/board dues and is eligible to officiate sub-varsity interscholastic contests only.
- 21.2.0 CERTIFIED OFFICIAL** - A Certified official is a registered official who has attended a WIAA/WOA rules clinic for that sport, has attended the required number of association/board meetings, passed the sport rules test, has an acceptable criminal history background check form on file, and is eligible to officiate ANY and all levels of interscholastic competition.
- 21.3.0 REQUIRED NUMBER OF OFFICIALS** - The WIAA Executive Board supports the number of officials required by the National Federation Rulebook for that sport. If a league elects to use less than the required number of officials, each school in that league assumes all liability and responsibility as such.
- 21.4.0 USE OF REGISTERED OFFICIALS** - The Washington Officials Association registers officials in baseball, basketball, football, gymnastics, soccer, softball, spirit, volleyball and wrestling. Only officials registered with the Washington Officials Association or have reciprocity through another state officials association are eligible to officiate regularly scheduled contests for all sports and at all levels of play sanctioned by WIAA.
- 21.4.1 School representatives do not have the authority to solicit officials directly for contests. All assignments must be made by and through the appropriate assigning secretary for the respective officials' association/board.



Bremerton Policy and Legal References  
Regarding Religious-Related Activities and Practices

The District's treatment of religious activity is governed by the First Amendment to the United States Constitution, which reads:

Congress shall make no law respecting *an establishment of religion*, or *prohibiting the free exercise thereof*; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Federal case law interpreting the First Amendment in the context of public schools provides the following guidelines:

- District employees may not prohibit or discourage students from participating in non-disruptive religious activities that are entirely voluntary and student-led.
- District employees may not require, initiate, suggest or encourage students to engage in any religious activity.
- When students engage in religious activity, District employees may not participate. However, District employees may provide supervision of such activities consistent with job responsibilities.
- District employees may engage in religious activity that does not interfere with performance of job duties, as long as it is conducted in a manner that does not have the effect of encouraging or coercing students to participate.

These guidelines will ensure that the fundamental constitutional rights of both employees and students are honored and respected. Should questions arise, employees are encouraged to seek clarification of the expectations set forth herein from their supervisors as necessary to ensure compliance. Violation of these guidelines may subject the District to significant potential legal liability, and may be grounds for employee discipline or discharge.

I have read and understand the information contained in this document regarding religious-related activities and practices.

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Signature

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Date

July 12, 2023





# Bremerton School District

ATHLETIC  
COACHES/ASB  
INFORMATION



# Contacts for Activities and Clubs

- Bremerton High School

Amber Plummer - Athletic Director Ryan

Nickels – Principal

Elise Erickson – ASB Advisor

Steven Brewer – ASB/Co-curricular Bookkeeper

Marilyn McClelland – Office Coordinator

- Mountain View Middle School

Mitchell Judie - Asst. Principal/Athletic Coordinator

Carre Potis – Principal

Brenda Hamre – ASB Bookkeeper

Christine Rogers – Office Coordinator



# Associated Student Body



- ASB is the formal organization of all students of BSD, formed with approval by BSD Board of Directors
- ASB funds are **public**- limits the type of fundraisers and subject to legal hoops
- Cultural, Athletic, Recreational or Social in Nature (CARS)
- ASB may not be used for gifts or personal/private use

It's an ASB EVENT if...

- Students are doing a majority of the work
- BSD or school name is used
- On or off school property, school inventory is used for resale
- BSD personnel is involved during staff time
- Approval from school board or designees



# ASB 101

## ASB MUSTS

- Students approve all expenditures in writing and in advance
- Deposit all monies intact (as received)
- Comply with WA State Laws regarding use of public funds
- Stay within your approved budget
- Keep adequate inventory records on school items

## ASB NEVERS

- Use a generic receipt
- Throw away source documentation
- Cash checks out of ASB cash box
- Allow an advisor to run a club or activity outside of District records

Always adhere to all the ASB MUSTS

# Class and Club Advisors

As an advisor, I accept that I have a responsibility to:

- Write, implement and/or execute all elements of the club constitution.
- Provide supervision of students immediately before, during, and after all school (your club) sponsored activities.
- Obtain parental permission forms prior to the fundraiser and submit all forms upon completion of fundraiser to the ASB bookkeeper.
- Plan events that minimize conflicts with other District and Building events.
- Develop an annual budget plan including anticipated revenue and expenditures
- Keep accurate inventory records of all district and school property
- Follow proper procedures for cash handling and purchasing
- Follow proper procedures for fundraising, including use of required forms and timely submission to the ASB Bookkeeper.
- Take Daily Attendance

# CLASS and CLUB ADVISORS...

## Helpful Tips

- ✓ Demonstrate strong leadership by following all BSD policies and State Law
- ✓ Set behavioral expectations and enforce them
- ✓ Be visible and available for activities, meetings and projects
- ✓ Utilize volunteers after they have gone thru the clearance process

## Review:

- ☐ Supervision
- ☐ Recordkeeping
- ☐ Purchasing
- ☐ Budgets
- ☐ Fundraisers
- ☐ Spending
- ☐ Inventory

# Supervision and Recordkeeping

- Supervision is the utmost important aspect of clubs and activities.
- Requirement to be present during all projects, meetings and events.
- At conclusion of the event, activity, supervision entails all students getting picked up by parent/guardian.
- Line of Sight Supervision

- Meeting attendance and current roster of students is required and must be kept on file.
- Charters and Constitutions must be on file with the ASB Bookkeeper
- School and Club constitutions are reviewed annually.
- Meeting minutes must be taken and stored electronically or physical (3 ring binder).
- Attendance, topics of discussion and approval or denial of items.

# School Support Organizations

- 4120: District staff members, including paid coaches, shall not hold positions of signature authority in booster clubs and/or special interest organizations that serve their schools
- 4120P: When donating or giving to the District schools, departments and programs, nonprofit organizations must follow District Policies and Procedures (6114 & 6114P)
- 6114: Donations cannot be used to hire personnel
- 6114P: All gifts above \$100 (in cash or in value) must be accepted by the Board, and under \$100 (in cash or in value) by the principal. There is an updated form for donations (see Employee Forms).
- 3530P: Any promotional materials utilized must clearly state that event/fund raiser is NOT sponsored by the Bremerton School District
- Booster fundraisers cannot be held on District property during regular school hours
- Booster fundraisers cannot involve District employees during staff time
- Washington State Booster Club Association (WSBCA) [ASB or Booster Club Activity Flowchart](#)
- Washington School Business Officials (WASBO) ASB Manual: [Booster Clubs and PTOs](#)

# Purchasing and Budgets

## PURCHASING

- PRE-APPROVAL is required ALWAYS
- Purchase requisitions include ***who, what, when and where***
- The purchase cannot exceed the amount on the purchase requisition. (include tax and shipping)
- MOU's must be on file prior to using a school or District Credit Card

## BUDGETING

- Process of estimating revenue and expenditures for ASB activities in the upcoming year.
- Approve projected expenditures and revenues cannot be exceeded
- Budget preparation begins in early Spring, deadline sensitive
- Advisors are responsible for preparing a budget request for upcoming fiscal year (Sept-Aug)
  - If you don't budget for it, you can't spend it!
- Proposed budgets must be approved by school ASB executive board and BSD School Board.

# HB 1660 and Program Impacts

## THE WHAT...

*school districts that charge a fee for attendance at or participation in any optional, noncredit extracurricular event must adopt a policy for waiving all fees for students who are low income.*

## THE WHO...

- Students who qualify for F/R and share their data will qualify for HB1660.*
- THINK- 20% F/R school population, your club/team will have 20% HB1660.*
- Uniforms, Dues, Dances, Games, etc. qualify as FREE.*

## THE HOW...

- Prior knowledge and understanding is helpful.*
- Fundraising will be key. This will directly impact your ASB budgets*
- Collaboration with the Bookkeeper and AD/Activity Coordinator is key.*

# HB 1660 Waived v. Non-Waived

Historically <b>Waived</b> By General Fund	HB 1660 <b>Waived</b>	<b>Non-Waived</b>
AP Tests	ASB Cards	ASB Field Trips
Athletic Participation Fee	^Club Dues	Competitions/Conferences
**PSAT	Plays	Spirit Wear
	Home Athletic Events	Away Athletic Events/ Post Season Events
	Uniforms	PE Clothes
	Dances	Parking
		Fines (including uniform replacement)
		Yearbooks/ Ads
		Photos
		Concessions
		Replacement Supplies
		Booster/PTA Fundraiser

*^ this will only cover the dues for Nationally recognized clubs that are required to pay dues to their organization. Such as NHS, Key Club, etc. Additional fees for supplies must be separated out of the dues collected from students.*



# Fundraisers, Inventory and Spending

## Inventory

- Physical/written inventory of all ASB items at the start and end of school year.
- Equipment, uniforms, supplies, other non consumables.
- Inventory to be kept with meeting minutes, accessible by ASB Bookkeeper

## Fundraisers- if you choose to do them!

- Submit fundraiser form request, student signature, advisor signature required...2 weeks in advance
- After approval Purchase Requisition, forms must be submitted to ASB Bookkeeper for any needed items
- Inventory all items associated with fundraiser
- Forms can be found on BSD website or from ASB Bookkeeper

## Spending

- Club meeting is held to demonstrate minutes approving used of funds
- Submit signed Purchase Requisition to ASB Bookkeeper
- All Submissions must be approved by the ASB Executive Board.

# VOLUNTEERS

- Anyone that will be assisting with clubs/activities must go through the BSD volunteer approval process.
- The process is outlined on the BSD website: District Forms, Volunteer request form
- The process takes time, so plan ahead- up to 10 days!
- Only approved volunteers can be a part of student activities, events and meetings.
- Volunteer clearance lasts for 2 calendar years.

# Building Use and Transportation

## **Building Use**

- ✓ Utilize event manager to schedule space
- ✓ Double check school, athletic and activity calendars to avoid double booking
- ✓ Custodial services may be required. Include this cost into your activity request.

[BSD Letter of Awareness](#)  
[Field Trip Excursion Form](#)

## **Transportation**

### **Bus is #1**

- ✓ Schedule at least 2 weeks in advance
- ✓ Paid employee must ride the bus

### **District Vans #2**

- ✓ Paid employees may seek approval to drive District Vans
- ✓ Driving abstract must be done in advance.

### **Carpool/Private Vehicle (last option)**

- ✓ Private vehicles may be used (last resort) to transport students if approved in advance by the Principal
- ✓ Communication to families in advance of carpooling must be in writing and identify the driver of the carpool vehicle
- ✓ Any trip consisting of more than 15 students is considered a bus trip and must be scheduled with Transportation
- ✓ A Letter of Awareness Form must be signed by private vehicle driver prior to the field trip

# Field Trips

## Day Field Trips

- Must seek approval by Building Administration **2 weeks** in advance.
- Parent authorization is required in advance. [Field Trip Form](#)
- A final roster of students and advisors, chaperones along with permission forms must be given to the main office **3 days** prior to date of field trip.
- A copy of forms should be taken with the advisor on the trip in case of an emergency.

# Overnight or Extended Field Trips

- All field trips require the appropriate approval in advance of the trip and there must be an **EDUCATIONAL** purpose to all trips.
- **All students enrolled** in the appropriate class, sport or activity may participate if they and their parents so desire and if all conditions for participation are met.
- **No Staff member shall personally benefit from the trip** or from the exercise of his/her influence with students and/or parents whether or not the trip occurs during the instructional day or year.
- A trip is considered “school sponsored” when the trip is planned at the school, the school is being used to advertise the trip, and/or a staff member uses his/her position as a public school employee to gain access to students to recruit and plan for a trip.
- All trips with students that are overnight must be submitted to the Superintendent at least two weeks prior to the event and approved by the Bremerton School Board

# Overnight/Extended FT Details...

- Volunteer chaperones must go through the district clearance process. A form must be completed for each overnight field trip and archived with the rest of the field trip documents.
- School Board must approve the request 14 days in advance of the trip. Proposals should be submitted to the board agenda at least two weeks prior to the board meeting.

**Timing is key, Plan Ahead!!**

# Overnight/Extended FT Timeline

Determine Trip/Educational Purpose.

Hold an interest meeting if necessary

Identify Logistics, hotel, food, transportation, chaperones and COST.

Complete the Application and submit for building approval

Must be to building Principal, signed and submitted to board 14 days in advance of School Board meeting.

Finalize logistics with ASB Bookkeeper

Secure funding

Permission slips/medical info

Itinerary to School.

# Supervision on Field Trips

- A staff member shall be responsible for securing adequate adult supervision for the trip (10:1).
- The number of adult supervisors should be based upon the age of students, duration of the trip, safety considerations, and nature of the activities planned.
- Each student should be under the direct supervision of a staff member or adult supervisor at all times.
- There is no time while on any field trip with students when it is permissible to consume alcohol or use drugs, tobacco, or nicotine products for **any coach, volunteer coach, advisor or chaperone**.
- Regular room checks to provide appropriate supervision of students while in hotel rooms.



### **Access to Electronic Information Resources**

The Board of Directors recognizes that 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 students need to be proficient and safe users of information, media and technology to succeed in a digital world.

Therefore, the District will use electronic resources as a powerful and compelling means for students to learn core subjects and applied skills in relevant and rigorous ways. It is the District's goal to provide students with rich and ample opportunities to use technology for important purposes in schools just as individuals in workplaces and other real-life settings use these tools. The District's technology will enable educators and students to communicate, learn, share, collaborate and create; to think and solve problems; to manage their work; and to take ownership of their lives.

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

The Superintendent or designee will create strong electronic education systems that support innovative teaching and learning, to provide appropriate staff development opportunities and to develop procedures to support this policy.

#### **Use of the Internet**

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

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

##### **1. Network Use Agreement**

Any student or staff member using the Internet from a computer in the district facility must have a valid Network Use Agreement on file.

##### **2. Filter**

All district-owned computers in all district facilities capable of accessing the Internet must use filtering software to prevent access to obscene, racist, hateful or violent material.

### 3. Supervision

When students use the Internet from school facilities, district staff will make a reasonable effort to supervise student access and use of the Internet. If material is accessed that violates standards in the materials selection procedures of the Network Use Agreement, then district staff may instruct the person to cease using that material and/or implement sanctions contained in the Network Use Agreement.

### 4. Instruction

All students will be educated about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyber bullying awareness and response.

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 <sup>st</sup> Century Act
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Management Resources:	<i>Policy News</i> , February 2012	Federal Guidance Requires Changes to Electronic Resources Policy
	<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

Bremerton School District

Adopted:	<u>5/30/85</u>	<u>                    </u>	<u>                    </u>
Revised:	<u>9/17/98</u>	<u>10/19/00</u>	<u>06/21/12</u> <u>03/07/13</u>
Affirmed:	<u>4/23/87</u>	<u>1/11/90</u>	<u>8/13/92</u>

## **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 Director to confirm that the device is equipped with up-to-date virus software, compatible network card and is configured properly. Connection of any personal electronic device is subject to all procedures in this document.

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

- A. Personal gain, commercial solicitation and compensation of any kind;
- B. Actions that result in liability or cost incurred by the district;
- C. Downloading, installing and use of games, audio files, video files, games or other applications (including shareware or freeware) without permission or approval from the Technology Director;
- 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.

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

### **Copyright**

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

### **Ownership of Work**

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

All work completed by students as part of the regular instructional program is owned by the student as soon as it is created, unless such work is created while the student is acting as an employee of the school system or unless such work has been paid for under a written agreement with the school system. If under an agreement with the district, the work will be considered the

property of the District. Staff members must obtain a student's permission prior to distributing his/her work to parties outside the school.

## **Network Security and Privacy**

### **Network Security**

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

The following procedures are designed to safeguard network user accounts:

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

### **Student Data is Confidential**

District staff must maintain the confidentiality of student data in accordance with the Family Educational Rights and Privacy Act (FERPA).

### **No Expectation of Privacy**

The district provides the network system, e-mail and Internet access as a tool for education and research in support of the district's mission. The district reserves the right to monitor, inspect, copy, review and store without prior notice information about the content and usage of:

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

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

### **Archive and Backup**

Backup is made of all district e-mail correspondence for purposes of public disclosure and disaster recovery. Barring power outage or intermittent technical issues, staff and student files are

backed up on district servers regularly. Refer to the district retention policy for specific records retention requirements.

**Disciplinary Action**

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

## **Sexual Harassment of Students Prohibited**

This district is committed to a positive and productive education free from discrimination, including sexual harassment. This commitment extends to all students 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 adult to student, student to student 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 students 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 educational 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 an educational benefit;
- sexual demands where submission or rejection is a factor in an academic, or other school-related decision affecting an individual.

A “hostile environment” has been created for a student when sexual harassment is sufficiently serious to interfere with or limit the student’s ability to participate in or benefit from the school’s program. The more severe the conduct, the less need there is to demonstrate a repetitive series of incidents. In fact, a single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe, violent, or egregious.

### **Investigation and Response**

If the district knows, or reasonably should know, that sexual harassment has created a hostile environment, it will promptly investigate to determine what occurred and 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 on reports, complaints and grievances alleging sexual harassment that come to the attention of the district, either formally or informally. The district will take these steps every time a complaint, alleging sexual harassment comes to the attention of the district, either formally or formally.

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 students, staff 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 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 age-appropriate information and education to district staff, students, parents and volunteers regarding this policy and the recognition and prevention of sexual harassment. At a minimum sexual harassment recognition and prevention and the elements of this policy will be included in staff, student and regular volunteer orientation. This policy and the procedure, which includes the complaint process, 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 clearly stated and conspicuously posted throughout each school building, provided to each employee and reproduced in each student, staff, volunteer and parent handbook. Such notices will identify the District's Title IX coordinator and provide contact information, including the coordinator's email address.

### **Policy Review**

The superintendent will make an annual report to the Board reviewing the use and efficacy of this policy and related procedures. Recommendations for changes to this policy, if applicable, will be included in the report. The superintendent is encouraged to involve staff, students, volunteers and parents in the review process.

Legal Reference:	RCW 28A.640.020	Regulations, guidelines to eliminate discrimination –Scope – Sexual harassment policies
	WAC 392-190-058	Sexual Harassment
	<u>20 U.S.C. §§ 1681-1688</u>	

Cross References:

- 3207 - Prohibition of Harassment, Intimidation and Bullying
- 3210 –Nondiscrimination
- 3240 - Student Conduct
- 3421 - Child Abuse, Neglect and Exploitation Prevention
- 5010 - Nondiscrimination and Affirmative Action
- 5011 – Sexual Harassment of District Employees Prohibited

Management Resources: 2015 – July Policy Alert  
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Bremerton School District

Adopted:	9/17/15			
Revised:	_____	_____	_____	_____
Affirmed:	_____	_____	_____	_____

## **Sexual Harassment of Students Prohibited**

The procedure is intended to set forth the requirements of Policy 3205, 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 students carried out by other students, employees or third parties involved in school district activities. Because students can experience the continuing effects of off-campus harassment in the educational setting, the district will consider the effects of off-campus conduct when evaluating whether there is a hostile environment on campus. 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, be reproduced in each student, staff, volunteer and parent handbook.
- In addition to the posting and reproduction of this procedure and Policy 3205, the district will provide annual notice to employees that complaints pursuant to this procedure may be filed at 134 Marion Ave. No., Bremerton, WA 98312.

### **Staff Responsibilities**

- In the event of an alleged sexual assault, the school principal will immediately inform: 1) the Title IX/Civil Rights Compliance Coordinator 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 student(s) and their parents/guardians 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 Coordinator for evaluation.
- The Title IX Coordinator 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 Dr. Garth Steedman, Title IX Coordinator, 360-473-1031. 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 students; or
- Providing staff and/or student training

Informal complaints may become formal complaints at the request of the complainant, parent/guardian, or because the district believes the complaint needs to be more thoroughly investigated.

The district will inform the complainant and their parent/guardian 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 Coordinator may draft the complaint based on the report of the complainant for the complainant to review and approve. The superintendent or Title IX Coordinator 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 formal 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 district Title IX Coordinator, Dr. Garth Steedman, at 134 Marion Ave. N., Bremerton, WA 98312, 360-473-1031, or email, [garth.steedman@bremertonschools.org](mailto:garth.steedman@bremertonschools.org). Any district employee who receives a complaint that meets these criteria will promptly notify the Coordinator.

### **Investigation and Response**

- The Title IX Coordinator will receive and investigate all formal, written complaints of sexual harassment or information in the coordinator's possession that they believe requires further investigation. The Coordinator 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 Coordinator 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 Coordinator will compile a full written report of the complaint and the results of the investigation.

### **Superintendent Response**

- The superintendent 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 academic 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 coordinator 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 and their parent/guardian 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.

#### **Board 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](mailto:OCR.Seattle@ed.gov) | [www.ed.gov/ocr](http://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](http://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 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.



## **Student and Employee Prohibition of Harassment, Intimidation, Bullying, and Retaliation Policy**

It is everyone's right to work, study, and learn in a respectful environment. The District is committed to a safe and civil educational environment for all students, employees, parents/legal guardians, volunteers and patrons that is free from harassment, intimidation, bullying or retaliation. Harassment, intimidation, bullying or retaliation is prohibited and will not be tolerated by students or employees of the Bremerton School District. "Harassment, intimidation or bullying" means any intentionally written message or image, 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 the act:

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

Nothing in this section requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation, bullying or retaliation.

"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).

### Behavior Expressions

Harassment, intimidation, bullying or retaliation 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 electronic 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 is to be implemented in conjunction with comprehensive training of staff and volunteers,

No school employee, student, or volunteer may engage in reprisal, retaliation or false accusation against a victim, witness, or one with reliable information about an act of harassment, intimidation or bullying. Such behavior may result in disciplinary action.

### 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 made that a student with an Individual Education Plan (IEP) or Section 504 Plan has been the 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). 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 determination is made that the student is not receiving a FAPE as a result of the harassment, intimidation or bullying incident, the district will provide all necessary additional services and supports, such as counseling, monitoring and/or reevaluation or revision of the student's IEP or Section 504 plan, to ensure the student receives FAPE. Students with Individual Education Plans or Section 504 Plans.

### 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.

The Superintendent shall develop and implement formal and informal procedures for compliance officers receiving, investigating and resolving complaints or reports of bullying. The procedures will include reasonable and prompt time lines and delineate staff responsibilities under this policy. All staff are responsible for receiving informal complaints and reports of bullying and informing appropriate district personnel of the complaint or report for investigation and resolution. All staff are also responsible for directing complainants to the formal complaint process.

The District shall make available training and written materials to employees, volunteers and students. This policy shall be posted in each building and reproduced in student, volunteer and employee handbooks.

Legal Reference:        RCW 28A.300.285        Harassment, intimidation and bullying prevention policies

Cross References:     Policy 3200        Rights and Responsibilities  
                             Policy 3210        Nondiscrimination  
                             Policy 3240        Student Conduct  
                             Policy 3241        Classroom Management, Corrective Action and Punishment  
                             Policy 6590        Sexual Harassment

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

*Policy News*, December 2014        Harassment, Intimidation and Bullying Policy Strengthened  
Office for Civil Rights Dear Colleague Letter: Responding to Bullying of Students w/Disabilities (OCR 10/21/2014)

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

Bremerton School District

Adopted:                    06/19/03

Revised:                    12/09/10                    2/16/12                    5/21/15

Affirmed:

## **Procedure Prohibition of Harassment, Intimidation and Bullying**

### **A. Introduction**

The Bremerton School District strives to provide students with optimal conditions for learning by maintaining a school environment where everyone is treated with respect and no one is physically or emotionally harmed.

In order to ensure respect and prevent harm, it is a violation of district policy for a student to be harassed, intimidated, or bullied by others in the school community, at school sponsored events, or when such actions create a substantial disruption to the educational process. The school community includes all students, school employees, school board members, contractors, unpaid volunteers, families, patrons, and other visitors. Student(s) will not be harassed because of their race, color, religion, ancestry, national origin, gender, sexual orientation, including gender expression or identity, mental or physical disability, or other distinguishing characteristics.

Any school staff who observes, overhears, or otherwise witnesses harassment, intimidation or bullying or to whom such actions have been reported must take prompt and appropriate action to stop the harassment and to prevent its reoccurrence.

### **B. Definitions**

**Aggressor** 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](http://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 promptly notify 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](http://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. **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](mailto:equity@k12.wa.us)  
[www.k12.wa.us/Equity/default.aspx](http://www.k12.wa.us/Equity/default.aspx)
- Washington State Human Rights Commission  
800.233.3247  
[www.hum.wa.gov/index.html](http://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](mailto:OCR.Seattle@ed.gov)  
[www.ed.gov/about/offices/list/ocr/index.html](http://www.ed.gov/about/offices/list/ocr/index.html)
- Department of Justice Community Relations Service  
877.292.3804  
[www.justice.gov/crt/](http://www.justice.gov/crt/)
- Office of the Education Ombuds  
866.297-2597  
Email: [OEInfo@gov.wa.gov](mailto:OEInfo@gov.wa.gov)  
[www.governor.wa.gov/oeo/default.asp](http://www.governor.wa.gov/oeo/default.asp)
- OSPI Safety Center  
360.725-6044  
[www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx](http://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.

## 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.

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: 2020 – Curriculum Development and Adoption of Instructional Materials  
2030 – Service Animals in Schools  
2140 – Guidance and Counseling

2150 – Co-Curricular Program  
2151 – Interscholastic Activities  
3211 – Transgender Students  
4260 – Use of School Facilities

Legal References:

Chapter 28A.640 RCW	Sexual Equality
Chapter 28A.642 RCW	Discrimination Prohibition
Chapter 49.60 RCW	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 USC §§ 12101-12213	Americans with Disabilities Act

Management:

Resources:

2014 – December Issue  
2013 – April Issue  
2012 – December Issue  
2011 – June Issue  
*Policy News*, August 2007 Washington’s Law Against Discrimination

Bremerton School District

Adopted:	8/19/99		
Revised:	08/02/07	3/19/15	
Affirmed:			

## Procedure 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 guidance and counseling ([Policy 2140](#)), 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. 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 (20<sup>th</sup>) 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 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, 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.
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 sued 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.

## Use of Restraint and Isolation

This policy applies to students with individualized education programs (IEPs) or section 504 plans while the students are participating in school-sponsored instruction or activities. As required by WAC 392-172A-03120 through 03135, District staff may use restraint or isolation to discourage undesirable student behaviors by special education students only in conjunction with an aversive intervention plan, or to control unpredicted spontaneous behavior that poses a clear and present danger of serious harm to the student, to another person, to property, or of disrupting the educational process. District staff will comply with all limitations and conditions on the use of restraint, isolation, and aversive interventions as required by law.

The District will provide a copy of this policy to parents or guardians of students with IEPs or section 504 plans when the programs or plans are created. All IEPs must include procedures for notifying parents or guardians regarding the use of restraint or isolation.

The superintendent or a designee will develop procedures to implement this policy.

Cross References:	Policy 2161	Special Education and Related Services for Eligible Students Education of Students With Disabilities Under Section 504 of the Rehabilitation Act of 1973
	Policy 2162	
Legal References:	Chapter 392-172A WAC	Rules for the Provision of Special Education Special Education Students
	Chapter 28A.155 RCW	
	Chapter 28A.600 RCW	

Bremerton School District

Adopted:	<u>3/20/14</u>	<u>                    </u>	<u>                    </u>
Revised:	<u>                    </u>	<u>                    </u>	<u>                    </u>
Affirmed:	<u>                    </u>	<u>                    </u>	<u>                    </u>

## **Use of Restraint and Isolation**

### **I. Definitions.**

The following definitions apply to this Procedure and to Policy 3247. These definitions are based upon the definitions set forth in RCW 28A.600.485, and Chapter 392-172A of the Washington Administrative Code.

**A. Restraint:** Physical intervention or force used to control a student, including the use of a restraint device as defined in RCW 28A.600.485.

**B. Isolation:** Excluding a student from his or her regular instructional area and restricting the student alone within a room or any other form of enclosure, from which the student may not leave.

**C. Aversive Intervention:** The use of isolation or restraint practices for the purpose of discouraging undesirable behavior on the part of the student. The term does not include the use of reasonable force, restraint, or other treatment to control unpredicted spontaneous behavior which poses one of the following dangers:

- (1) A clear and present danger of serious harm to the student or another person.
- (2) A clear and present danger of serious harm to property.
- (3) A clear and present danger of seriously disrupting the educational process.

### **II. Limitations on Use of Isolation and Restraint as Aversive Interventions**

The District will follow all state regulations regarding the use of aversive interventions with students eligible for special education, as set forth in WAC 392-172A-03120 through -03135. Those regulations include the following limitations on isolation and restraint:

**A. Bodily Contact.** The use of any form of aversive interventions which involve contacting the body of a student shall be addressed in the student's aversive intervention plan that meets the requirements of WAC 392-172A-03135, which requires that the aversive intervention plan must:

- (1) Be consistent with the recommendations of the IEP team which must include a school psychologist and/or other certificated employee who understands the appropriate use of the aversive interventions and who concurs with the recommended use of the aversive interventions, and a person who works directly with the student.
- (2) Specify the aversive interventions that may be used.
- (3) State the reason the aversive interventions are judged to be appropriate and the behavioral objective sought to be achieved by its use, and shall describe the positive interventions attempted and the reasons they failed, if known.
- (4) Describe the circumstances under which the aversive interventions may be used.
- (5) Describe or specify the maximum duration of each isolation or restraint.
- (6) Specify any special precautions that must be taken in connection with the use of the aversive interventions technique.

- (7) Specify the person or persons permitted to use the aversive interventions and the current qualifications and required training of the personnel permitted to use the aversive interventions.
- (8) Establish a means of evaluating the effects of the use of the aversive interventions and a schedule for periodically conducting the evaluation at least every three months when school is in session.
- (9) Include procedures for notifying the parent regarding the use of restraint or isolation.

**B. Isolation.** The use of aversive interventions which involves excluding a student from his or her regular instructional area and isolation of the student within a room or any other form of enclosure is subject to each of the following conditions:

- (1) The isolation, including the duration of its use, shall be addressed in the student's aversive intervention plan that meets the requirements of WAC 392-172A-03135.
- (2) The enclosure shall be ventilated, lighted, and temperature controlled from inside or outside for purposes of human occupancy.
- (3) The enclosure shall permit continuous visual monitoring of the student from outside the enclosure.
- (4) An adult responsible for supervising the student shall remain in visual or auditory range of the student.
- (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.

**C. Physical Restraint.** 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 where reasonably necessary to protect the student, other persons, or property from serious harm, and subject to the other conditions of WAC 392-172A-03130.

### **III. Reporting Requirements:**

The following reporting requirements will apply when any student with an IEP or a section 504 plan is subjected to any restraint or isolation.

#### **A. Processing the Incident**

Following the release of a student from the use of restraint or isolation, the school will implement these follow-up procedures. These procedures will include reviewing the incident with the student and the parent or guardian to address the behavior that precipitated the use of, restraint or isolation, and reviewing the incident with the staff member(s) who administered the restraint or isolation to discuss whether proper procedures were followed.

## **B. Incident Report**

Any school employee, school resource officer, or school security officer who uses any chemical spray, restraint device, or physical force on a student during school-sponsored instruction or activities will inform the building administrator or a designee as soon as possible, and within two business days submit a written report of the incident to the district office. The report will include:

1. The date and time of the incident;
2. The name and job title of the individual(s) who administered the restraint or isolation;
3. A description of the activity that led to the restraint or isolation;
4. The type of restraint or isolation used, including the duration; and
5. Whether the student or staff was physically injured during the restraint or isolation and what medical care, if any, was provided.

## **C. Informing Parent or Guardian of Incident**

The principal or a designee will make a reasonable effort to verbally inform the student's parent or guardian of the incident within twenty four hours of the incident, and will send written notification as soon as practical but postmarked no later than five business days after the restraint or isolation occurred. If the school customarily provides the parent or guardian with school-related information in a language other than English, the written report will be provided to the parent in that language.

## **IV. Notification of Policy and Procedure**

All IEPs will include notice of the above procedures for notifying parents or guardians regarding the use of restraint or isolation. The District will provide a copy of Policy 2163 to parents or guardians of students with IEPs or section 504 plans at the time that the program or plan is created. Upon request the District will also make available to Parents a copy of this Procedure or information on where to access the laws and regulations set forth above.

### **Child Abuse, Neglect and Exploitation Prevention**

Child abuse, neglect and exploitation are violations of children's human rights and an obstacle to their education and development. The Board directs that staff shall be alert for any evidence of such abuse, neglect or exploitation. For purposes of this policy, "child abuse, neglect or exploitation" shall mean:

1. inflicting physical injury on a child by other than accidental means, causing death, disfigurement, skin bruising, impairment of physical or emotional health or loss or impairment of any bodily function;
2. creating a substantial risk of physical harm to a child's bodily functioning;
3. committing or allowing to be committed any sexual offense against a child as defined in the criminal code, or intentionally touching, either directly or through the clothing, the genital, anus or breasts of a child for other than hygiene, child care or health care purposes;
4. committing acts which are cruel or inhumane regardless of observable injury (Such acts may include, but are not limited to, instances of extreme discipline demonstrating a disregard of a child's pain or mental suffering.);
5. assaulting or criminally mistreating a child as defined by the criminal code;
6. failing to provide food, shelter, clothing, supervision or health care necessary to a child's health or safety;
7. engaging in actions or omissions resulting in injury to, or creating a substantial risk to the physical or mental health or development of a child;
8. failing to take reasonable steps to prevent the occurrence of the preceding actions or
9. any of these crimes as they may be renamed in the future by any person under circumstances which indicate that the child's health, welfare and safety is harmed.

When feasible, the District 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 shall also encourage staff to participate in in-service programs that deal with the issues surrounding child abuse.

The Superintendent shall develop reporting procedures, including sample indicators of abuse and neglect, and shall disseminate the procedures to all staff. The purpose is to identify and report as soon as possible to the proper authorities all evidence of child abuse or neglect. Staff shall receive training regarding reporting obligations during their initial orientation. Principals are responsible for reviewing yearly with staff.

Staff are legally responsible for reporting all suspected cases of child abuse and neglect. A certificated or classified school employee who has knowledge or reasonable cause to believe that a student has been a victim of physical abuse or sexual misconduct by another school employee shall report such abuse or misconduct to the appropriate school administrator. The administrator shall report to the proper law enforcement agency if he or she has reasonable cause to believe that the misconduct or abuse has occurred as required under RCW 26.44.030. Under state law staff are free from liability for reporting instances of abuse or neglect and are criminally liable for failure to do so.

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

Legal Reference:	RCW 13.134.300	Failure to cause juvenile to attend school as evidence under neglect petition
	26.44.020	Child abuse-Definitions
	26.44.030	Reports-Duty and authority to make-Duty of receiving agency
	26.44.070	Central registry of reported cases of child abuse
	28A.620.010	Community education provisions-Purposes
	28A.620.020	Community education provisions-Restrictions
	43.43.830(6)	Background checks-Access to children or vulnerable persons
	28A.320.160	Alleged sexual misconduct by school employee—Parental notification—Information on public records act.
	28A.400.317	Physical abuse or sexual misconduct by school employees—Duty to Report--Training
	WAC 388-15-009	Definition of child abuse, neglect or exploitation
	AGO 1987, No. 9	Children-Child Abuse-Reporting by School Officials-Alleged Abuse by Student

Bremerton School District

Adopted:	<u>11/17/83</u>	<u></u>	<u></u>
Revised:	<u>9/27/90</u>	<u>8/19/99</u>	<u>02/21/08</u>
Affirmed:	<u>8/13/92</u>	<u></u>	<u></u>

### **Child Abuse, Neglect and Exploitation Prevention**

The following procedures are to be used in reporting instances of suspected child abuse:

1. If a child has confided in a staff member, the staff member should reassure the child that it is okay to tell what happened, projecting a calm, understanding and supportive attitude to the child.
2. The observing person must contact the nearest office of the Child Protective Services (CPS) of the Department of Social and Health Services (DSHS), and the School Resource Officer. If these agencies cannot be reached, the report shall be submitted to the police, sheriff or prosecutor's office. Such contact must be made with forty-eight (48) hours.

The District shall within forty-eight (48) hours of receiving a report alleging sexual misconduct notify the parents of a student alleged to be the victim, target or recipient of the misconduct.

Any doubt about the child's condition shall be resolved in favor of making the report. A staff member may wish to discuss the circumstances with an employee of CPS for assistance in determining if a report should be made.

3. The staff member shall inform the Principal or supervisor.
4. A written report shall be submitted promptly to the agency to which the phone report was made. The report shall include:
  - a. name, address and age of the child;
  - b. name and address of the parent or person having custody of the child;
  - c. nature and extent of the abuse or neglect;
  - d. any evidence of previous abuse or any other information that may be related to the cause or extent of the abuse or neglect;
  - e. identity of alleged abuser (if known) and
  - f. date of verbal notification to CPS and name of CPS worker.
5. Each incident of possible abuse should constitute a separate referral.
6. An original report shall be placed in the Principal's **confidential file**, NOT the student's record.
7. The Principal shall inform the Superintendent or designee of the report by calling the Assistant Superintendent's Office and sending a copy of the report to the Assistant Superintendent as soon as the report is complete.



Indicators of Physical Abuse:

- Unexplained bruises and welts on any part of the body
- Bruises of different ages (various colors)
- Injuries reflecting shape of article used (electric cord, belt, buckle, ping pong paddle)
- Injuries that regularly appear after absence or vacation
- Unexplained burns, especially to soles, palms, back or buttocks
- Burns with a pattern from an electric burner, iron or cigarette
- Rope burns to arms, legs, neck or torso
- Injuries inconsistent with information offered by the child
- Immersion burns with a distinct boundary line
- Unexplained lacerations, abrasions or fractures

Indicators of Emotional Abuse:

- Lags in physical development
- Extreme behavior disorder
- Fearful of adults or authority figures
- Revelations of highly inappropriate adult behavior, i.e., being enclosed in a dark closet, forced to eat or drink inedible items.

Indicators of Sexual Abuse:

- Venereal disease in a child of any age
- Evidence of physical trauma or bleeding to the oral, genital or anal areas
- Difficulty in walking or sitting
- Refusing to change into gym clothes
- Child running away from home and not giving any specific complaint
- Pregnancy at 11 or 12 with no history of peer socialization

Indicators of Physical Neglect:

- Lack of basic needs (housing, clothing, food)
- Lack of essential health care and high incidence of illness
- Poor hygiene on a regular basis
- Inappropriate clothing in inclement weather on a consistent basis
- Abandonment

Behavioral Indicators of Abuse and Neglect:

- Wary of adult contact
- Frightened of parents
- Afraid to go home
- Habitually truant or late to school
- Arrives at school early and remains after school later than other students
- Wary of physical contact by adults
- Shows evidence of overall poor care
- Parents describe child as "difficult" or "bad"
- Inappropriately dressed for weather--no coat or shoes in cold weather or long sleeves and high necklines in hot weather (possibly hiding marks of abuse)
- Exhibit behavioral extremes: crying often or never, unusually aggressive or withdrawn and fearful

NOTE: Behavioral indicators in themselves do not constitute abuse. Together with other indicators, they may warrant a referral.

Child abuse as defined by the statutes can be inflicted “by any person” and may include student-on-student abuse. These cases also require reporting to CPS, DSHS or law enforcement. Child abuse in this and all other cases requires two elements. First, there must be injury, sexual abuse, sexual exploitation, negligent treatment or maltreatment. Second, there must be harm to the child’s health, welfare or safety.

## **STUDENT SPORTS – CONCUSSION, HEAD INJURY AND SUDDEN CARDIAC ARREST**

### Concussion and Head Injury

The Bremerton School District Board of Directors recognizes that concussions and head injuries are commonly reported injuries in children and adolescents who participate in sports and other recreational activities. The Board acknowledges that the risk of catastrophic injuries or death is significant when a concussion or head injury is not properly evaluated and managed.

Therefore, all competitive sport activities in the District will be identified by the administration and all appropriate district staff, coaches and team volunteers will complete training as required Procedure 3422 to recognize warning signs and symptoms of concussion and head injury. Additionally, all coaches will comply with Washington Interscholastic Activities Association (WIAA) guidelines for the management of concussions and head injuries.

Consistent with Washington law, the District will utilize guidelines developed with the WIAA and other pertinent information to inform and educate coaches, youth athletes, and their parents/guardians of the nature and risk of concussions or head injuries, including the dangers associated with continuing to play after a concussion or head injury. Annually, the District will distribute a head injury and concussion information sheet to all parents/guardians of student participants in competitive sport activities.

Prior to the first use of school facilities, all private nonprofit youth programs must provide a written statement of compliance with this policy in regard to concussion and head injury with proof of insurance as required by RCW 4.24.660.

### Sudden Cardiac Arrest

The Board further recognizes that sudden cardiac arrest is reported to be the leading cause of death in young athletes. The Board will work with the WIAA and the University of Washington Medicine Center for Sports Cardiology to make available an online pamphlet that provides student athletes, their parents/guardians and coaches with information about sudden cardiac arrest. To this end, the District will maintain a link on its website to the OSPI website where the online pamphlet will be posted.

Annually, prior to participating in an interscholastic athletic activity, students and their parent/guardian must review the online pamphlet and return a signed statement to the school documenting their review. This form may be combined with the annually distributed head injury and concussion information sheet referenced above.

The Board will also work with the WIAA and the University of Washington Medicine Center for Sports Cardiology to make available an existing online sudden cardiac arrest prevention program for coaches. Every three years, prior to coaching an interscholastic athletic activity,

all coaches will complete the online program and provide a certificate of completion to the district.

All coaches, including volunteers, will complete training as required in the District procedure. Additionally, all coaches of competitive sport activities will comply with WIAA guidelines for the management of sudden cardiac arrest.

Prior to their first use of school facilities, all private nonprofit youth programs must provide a written statement of compliance with this policy in regard to sudden cardiac arrest with proof of insurance as required by RCW 4.24.660.

Cross References:	Policy 3413 Policy 3418 Policy 4260	Automated External Defibrillators Response to Student Injury or Illness Use of School Facilities
Legal References:	RCW 28A.600 RCW 4.24.660	Students Liability of school districts under contract with youth programs.
Management Resources:		<i>Policy News</i> , June 2015 <i>Policy News</i> , August 2014 <i>Policy News</i> , August 2009 Concussion and Head Injuries Legislation

Bremerton School District

Adopted:	<u>1/07/2010</u>	<u></u>	<u></u>
Revised:	<u>9/17/15</u>	<u></u>	<u></u>
Affirmed:	<u></u>	<u></u>	<u></u>

## **Procedure Student Sports – Concussion, Head Injury and Sudden Cardiac Arrest**

### **Concussion, Head Injury and Sudden Cardiac Arrest Management in Student Sports**

#### **Athletic Director or Administrator in Charge of Athletics Duties:**

1. **Updating:** Each spring, the athletic director, or the administrator in charge of athletics if there is no athletic director, will review any changes that have been made in forms required for concussion, head injury and sudden cardiac arrest management by consulting with the WIAA or the WIAA Web site. If there are any updated forms, they will be adopted and used for the upcoming school year.
2. **Identifying Sports:** By June 30 of each year, the athletic director or administrator in charge will identify competitive sport activities in the district for which compliance with Policy 3422 is required. A list of competitive sports activities, Policy 3422 and this procedure will be distributed to all coaching staff and volunteers.

**Coach Training:** All coaches will undergo training in head injury and concussion management and at least once every two years by one of the following means: (1) through attendance at a WIAA or similar clock hour presentation which uses WIAA guidelines; or (2) by completing WIAA online training. All coaches will undergo training in sudden cardiac arrest prevention every three years by completing an online program developed by the WIAA and the University of Washington medicine center for sports cardiology and providing proof of completion of same to the district.

**Parent Information:** On a yearly basis and prior to the youth athlete's initiating practice or competition, a concussion and head injury information sheet will be signed and returned by the youth athlete and the athlete's parent and/or guardian. The information sheet will also incorporate a statement attesting to the student and parent/guardian's review of the online pamphlet on sudden cardiac arrest posted on the OSPI website. The statement must be signed by both the student and parent. The information sheet may be incorporated into the parent permission sheet which allows students to participate in extracurricular athletics.

**Coach's Responsibility:** A youth athlete who is suspected of sustaining a concussion or head injury in a practice or game or one who exhibits symptoms of sudden cardiac arrest will be immediately removed from play.

**Return to Play After Concussion, Head Injury or symptoms of sudden cardiac arrest:** A student athlete who has been removed from play may not return to play until the athlete is evaluated by a licensed health care provider trained in the evaluation and management of concussion and sudden cardiac arrest and receives written clearance to return to play from that health care provider. The health care provider may be a volunteer.

Co-curricular Participation

All high school students participating in co-curricular activities must be enrolled in at least five (5) classes the semester they participate.

In order to maintain athletic eligibility during the current semester the student shall maintain passing grades of:

- 5 classes in a 5 period day or
- 5 classes in a 6 period day.

Students may appeal their ineligibility under extenuating circumstances.

Athletes must show proof of current medical examination signed by a physician before turning out for any sport and proof of paid up insurance through the school insurance plan or have filed in the Principal's office a waiver form signed by his/her parent(s) which indicates he/she has home coverage.

Bremerton School District

Adopted:	_____	_____	_____
Revised:	<u>10/21/99</u>	<u>08/21/08</u>	_____
Affirmed:	<u>1/11/90</u>	<u>8/13/92</u>	<u>8/5/99</u>

## Co-curricular Participation

### **Bremerton Athletic Department's Plan for Supporting Academic Success:**

#### **A. PROCEDURES:**

- A grade check will be completed by the Athletic Director. Grade checks will be accomplished using semester and/or progress report grade as applicable.
  - Students failing to meet academic standards at the end of fall semester will be placed on WIAA suspension through the end of the fifth (5<sup>th</sup>) Saturday of September. At the end of spring semester students will be placed on a five (5) week WIAA suspension at the start of second semester.
  - Students failing at progress report grade checks will be placed on fourteen (14) calendar days probationary period. A second grade check will follow at the end of the 14 days. If student raises deficiency, they regain eligibility, if not; they are suspended from all participation until deficiency is removed.
  - Attendance – Students must be in attendance the entire day in order to participate; either practice or competition that day, unless approved notification has been given by coach or Athletic Director.
- Coaches are required to conduct study tables once a week.
- Each coach will submit the time and location of their study table.
- A sign-in attendance sheet will be required of each team and checked by the Athletic Director.
- Coaches will maintain an environment that is conducive to studying.
- When coaches find it necessary they can assign the athlete(s) to Knights Academy, the schools tutorial program for additional help.
- Football program is piloting a tutorial program called, “Just Play It Smart”. This program is designed to monitor players by tracking their academic course work on a bi-weekly basis during their season.
- The players are required to submit a bi-weekly progress report.
- An academic coach, (certified teacher) has been hired to tutor and monitor the players.
- Players that begin to struggle can be identified early and tutorial services can be provided.
- Tutoring sessions are mandated and the players are expected to utilize this time for their academic use.

#### **B. PROCEDURE FOR APPEAL:**

The appeal board consists of:

1. Athletic Director - moderator (no voting privileges)
2. ASB advisor or faculty representative
3. Student representative
4. Out of season head coach to be selected by athletic director
5. Administrator
6. Activities Coordinator from Middle School

The appeal board will hear the athlete's appeal within two (2) days of the Athletic Director receiving it and give a decision the following day.

The athlete is ineligible to compete in contest until the appeal decision is completed.

**C. COMMITMENTS:**

- Establish an academic performance baseline sample of cohort students (track 200 student athletes and non athletes, 50 per grade level – 25 athletes/non-athletes.).
- Monitor their academic progress during first semester.
- Document coaches' academic obligations (stated above) and student outcomes.
- Attend monthly meetings with the Bremerton High School Instructional Leadership Team to discuss academic progress and to better meld academics/athletics.
- Schedule monthly meeting with the Assistant Superintendent to document and verify academic/athletic progress.
- Report to the School Board in March and make necessary revisions/improvements to enhance the academic success of our athletic program.



### **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 as the capacity to inflict death 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 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 an injury.

#### Reporting Dangerous Weapons

An appropriate school authority will promptly notify the student's parents or guardians and the appropriate law enforcement agency or 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 may 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, although students engaged in these activities are restricted to the possession of rifles on school premises:

- a. Persons engaged in military or law enforcement;
- b. Persons involved in a school authorized convention, showing, demonstration, lecture or firearm safety course;
- c. Persons competing in school authorized firearm or air gun competition and
- d. Any federal, state or local law enforcement officer.

The following persons over eighteen years of age and not enrolled as students may have firearms in their possession on school property outside of school buildings:

- a. Persons with concealed weapons permits issued pursuant to RCW 9.41.070 who are picking up or dropping off students and
- b. Persons conducting legitimate business at the school and in lawful possession of a firearm or dangerous weapon if the weapon is secured within an attended vehicle, is unloaded and secured in a vehicle or is concealed from view in a locked, unattended vehicle.

Persons may bring dangerous weapons, other than firearms, onto school premises if the weapons are lawfully within the person's possession and are to be used in a school-authorized martial arts class.

### Personal Protection Sprays

Persons over eighteen years of age and persons between fourteen and eighteen years of age with written parental or guardian permission may possess personal protection spray devices on school property. No one under eighteen years of age may deliver such devices, nor may anyone eighteen years of older deliver a spray device to anyone under fourteen or to anyone between fourteen and eighteen who does not have parental permission.

Personal protection spray devices may not be used other than in self-defense as defined by state law. Possession, transmission or use of personal protection spray devices under any other circumstances is a violation of district policy.

Cross References:	Board Policy 3240	Student Conduct	
	Board Policy 3241	Correction Actions or Punishment	
	Board Policy 4260	Use of School Facilities	
Legal References:	RCW 9.41.250	Dangerous weapons - Penalty	
	RCW 9.41.280	Dangerous weapons on school grounds	
	RCW 9A.16.020	Use of force – when lawful	
	RCW 9.91.160	Personal protection Spray devices	
	RCW 28A.600.420	Firearms on school premises, transportation, or facilities – Penalty – Exemptions	
	RCW 9.94A.225	Deadly weapon special verdict--definition	

Bremerton School District

Adopted: 1/21/99

Revised: 02/17/2011

10/20/16

Affirmed:

## **Use of Tobacco on School Property**

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 is are not limited to, cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, nicotine, electronic smoking/vapor devices, vapor products, non-prescribed inhalers, nicotine delivery devices or chemicals that are not FDA-approved to help people quit using tobacco, or devices that produce the same flavor or physical effect of nicotine substances; and any other smoking equipment, device material or tobacco 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. This will include all district buildings, grounds and district-owned vehicles.

The use of Federal Drug Administration (FDA) approved nicotine replacement therapy in the form of a nicotine patch, gum or lozenge is permitted. However, students and employees must have a physician's prescription for the FDA-approved nicotine replacement therapy and must follow applicable policies regarding use of medication at school.

Notices advising students, district employees and community members of this policy will be posted in appropriate locations in all district buildings and at other district facilities as determined by the Superintendent and will be included in the employee and student handbooks. Employees and students are subject to discipline for violations of this policy, and school district employees are responsible for the enforcement of the policy.

Cross References:	Policy 3200	Student Rights and Responsibilities
	Policy 3241	Classroom Management, Corrective Actions or Punishments
	Policy 3416	Medication at School
	Policy 5201	Drug-Free Schools, Community and Workplace
	Policy 5280	Termination of Employment
Legal References:	RCW28A.210.310	Prohibition on use of tobacco products on school property
	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 70.155.080	Purchasing, obtaining or possessing tobacco by persons under 18 — Civil infraction — Jurisdiction
RCW 70.345.150	Use of products in public places – When prohibited
RCW 70.155	Tobacco – Access to Minors

Management Resources:

*Policy and Legal News*, July 2016  
*Policy and Legal News*, February 2014  
*Policy News*, December 2010  
*Policy News*, October 2010

Bremerton School District

Adopted:	<u>10/15/98</u>	<u>                    </u>	<u>                    </u>
Revised:	<u>6/19/14</u>	<u>10/20/16</u>	<u>                    </u>
Affirmed:	<u>                    </u>	<u>                    </u>	<u>                    </u>

## **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 Affirmative Action/Title IX 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 shall include a review of programs, the setting of goals and the implementation of corrective employment procedures to increase the ratio of aged, persons with disabilities, ethnic minorities, women and Vietnam veterans who are under-represented in the job classifications in relationship to the availability of such persons having requisite qualifications. Affirmative action plans may not include hiring or employment preferences based on gender or race, including color, ethnicity or national origin. Such affirmative action will also include recruitment, selection training, education and other programs.

The Superintendent will develop an affirmative action plan which specifies the personnel procedures to be followed by the staff of the District and will ensure that no such procedures discriminate against any individual. Reasonable steps will be taken to promote employment opportunities of those classes that are recognized as protected groups - aged, persons with disabilities, ethnic minorities and women and Vietnam veterans, although under state law, racial minorities and women may not be treated preferentially in public employment.

This policy, as well as the affirmative action plan, regulations and procedures developed according to it, will be disseminated widely to staff in all classifications and to all interested patrons and organizations. Progress toward the goals established under this policy will be reported annually to the Board.

### Employment of Persons with Disabilities

In order to fulfill its commitment of nondiscrimination to those with disabilities, the following conditions will prevail:

1. No qualified person with disabilities shall, 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.

2. 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:
  - a. making facilities used by staff readily accessible and usable by persons with disabilities; and
  - b. 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.

3. The District shall not make use of any employment test or criteria that screens out persons with disabilities unless:
  - a. the test or criteria is clearly and specifically job-related; and
  - b. alternative tests or criteria that do not screen out persons with disabilities are available.
4. 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.
5. 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 Reference:	<table><tr><td>RCW 28A.400.310</td><td>Law against discrimination applicable to district's employment practices</td></tr><tr><td>RCW 28A.640.020</td><td>Regulations, guidelines to eliminate discrimination—Scope—Sexual harassment policies</td></tr><tr><td>RCW 28A.642</td><td>Discrimination prohibition</td></tr><tr><td>RCW 49.60</td><td>Discrimination – Human rights commission</td></tr><tr><td>RCW 49.60.030</td><td>Freedom from discrimination – Declaration of civil rights</td></tr><tr><td>Vietnam Era Veterans Readjustment Act of 1974 (VEVRAA)</td><td></td></tr><tr><td>RCW 49.60.180</td><td>Unfair practices of employers</td></tr><tr><td>RCW 49.60.400</td><td>Discrimination, preferential treatment prohibited</td></tr><tr><td>RCW 73.16</td><td>Veterans and veterans' affairs-- Employment and Re-Employment</td></tr><tr><td>WAC 392-190</td><td>Equal Education Opportunity – Unlawful Discrimination Prohibited</td></tr><tr><td>WAC 392-190-0592</td><td>Public School Employment – Affirmative Action Program</td></tr><tr><td>42 USC 2000e1-200e10</td><td>Title VII of the Civil Rights Act of 1964</td></tr><tr><td>20 USC § 1681-1688</td><td>Title IX Educational Amendments of 1972</td></tr><tr><td>42 USC § 12101-12213</td><td>Americans with Disabilities Act</td></tr><tr><td>8 USC 1324</td><td>Immigration Reform and Control Act (IRCA) of 1986</td></tr><tr><td>38 USC §§ 4301-4333</td><td>Uniformed Services Employment and Reemployment Rights Act</td></tr><tr><td>29 USC 794</td><td>Vocational Rehabilitation Act of 1973</td></tr><tr><td>34 CFR §104</td><td>Nondiscrimination on the basis of handicap in programs or activities receiving federal financial assistance</td></tr><tr><td>38 USC 4212</td><td>Vietnam Era Veterans Readjustment Act Of 1974 (VEVRAA)</td></tr></table>	RCW 28A.400.310	Law against discrimination applicable to district's employment practices	RCW 28A.640.020	Regulations, guidelines to eliminate discrimination—Scope—Sexual harassment policies	RCW 28A.642	Discrimination prohibition	RCW 49.60	Discrimination – Human rights commission	RCW 49.60.030	Freedom from discrimination – Declaration of civil rights	Vietnam Era Veterans Readjustment Act of 1974 (VEVRAA)		RCW 49.60.180	Unfair practices of employers	RCW 49.60.400	Discrimination, preferential treatment prohibited	RCW 73.16	Veterans and veterans' affairs-- Employment and Re-Employment	WAC 392-190	Equal Education Opportunity – Unlawful Discrimination Prohibited	WAC 392-190-0592	Public School Employment – Affirmative Action Program	42 USC 2000e1-200e10	Title VII of the Civil Rights Act of 1964	20 USC § 1681-1688	Title IX Educational Amendments of 1972	42 USC § 12101-12213	Americans with Disabilities Act	8 USC 1324	Immigration Reform and Control Act (IRCA) of 1986	38 USC §§ 4301-4333	Uniformed Services Employment and Reemployment Rights Act	29 USC 794	Vocational Rehabilitation Act of 1973	34 CFR §104	Nondiscrimination on the basis of handicap in programs or activities receiving federal financial assistance	38 USC 4212	Vietnam Era Veterans Readjustment Act Of 1974 (VEVRAA)
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Management Resources:	2014 – December Issue 2013 – June Issue 2011 – June Issue 2011 – February Issue <i>Policy News</i> , August 2007 Washington's Law Against Discrimination <i>Policy News</i> , June 2001 State Updates Military Leave Rights																																						



Bremerton School District

Adopted:	<u>8/19/99</u>	<u></u>	<u></u>
Revised:	<u>10/19/00</u>	<u>08/16/07</u>	<u>10/20/11</u>
	<u>3/19/15</u>	<u></u>	<u></u>
Affirmed:	<u></u>	<u></u>	<u></u>

## **Nondiscrimination and Affirmative Action**

### **Nondiscrimination**

To ensure fairness and consistency, the following grievance procedure is to be used in the district's relationship with its staff with regard to employment problems covered by state and federal equal employment opportunity laws and/or this affirmative action program. No staff member's status with the district will be adversely affected in any way because the staff member utilized these procedures. As used in this procedure, "Grievance" will mean a complaint which has been filed by a complainant relating to alleged violations of any state or federal anti-discrimination laws. A "complaint" will mean a charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws. A "respondent" will mean the person alleged to be responsible or who may be responsible for the violation alleged in the complaint.

The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint to this and; the following steps will be taken:

### **Affirmative Action Plan**

In order to secure an equitable solution to a justifiable complaint, the district will:

- A. Make efforts to modify the composition of the future work force in order to work toward a full utilization of aged, persons with disabilities, ethnic minorities, women and Vietnam veterans in the various job categories.
- B. Ensure that all applicants and staff are considered on the basis of bona fide job-related qualifications. The purpose of the affirmative action plan is to actively include persons of under-utilized classes in the employment process, not to exclude others from it. The district will continue to emphasize in all recruitment contacts that nondiscrimination is a basic element in the district's personnel procedures.
- C. Be responsible for reviewing all employment procedures and programs to assure that there is no indication of discriminatory practices. The district will continue to use aged, persons with disabilities, ethnic minorities, women and Vietnam veterans in the recruitment and employment process. Job descriptions for classified staff will be sent to the Washington Employment Service and other organizations which are recruiting sources for groups that may be under-utilized in the district's work force. Recruitment from colleges and universities will include institutions with high percentages of students of various ethnic minorities.
- D. Contract and purchase all goods and services from persons, agencies, vendors, contractors and organizations who comply with the appropriate laws and executive orders regarding discrimination.
- E. Take appropriate action to attract and retain aged, persons with disabilities, ethnic minorities and women at all levels and in all segments of the district's work force. Criteria for selecting staff will be reviewed regularly to assure that such statements relate directly to the requirements for specific positions. However, pursuant to state law there will be no preferential employment practices based on race or gender.
- F. Upgrade present staff by providing management development training to assure that individuals of under-utilized groups are prepared for positions of new and increased responsibility.

Implementation of the affirmative action plan will be the responsibility of the superintendent. Administrators will assist in the attainment of the established goals and purposes of this affirmative action plan.

### **Dissemination**

The district will disseminate information concerning employment and developments under the affirmative action plan on a planned basis to assist in achieving the goals set forth in this plan. Affirmative action information will be disseminated by:

- A. Printing and distributing such information to staff, school libraries and offices;
- B. Publicizing such information in district newsletters;
- C. Conducting meetings with administrative staff to explain the intent and advantages of the policy and plan;
- D. Conducting faculty meetings and meetings with classified staff;
- E. Informing appropriate and interested recruiting and hiring sources; and
- F. Informing all representative staff groups in the district.

### **Male/Female Balance and Staff Goals**

The profile of the district's current utilization of women are set forth in its 2010-15 Affirmative Action Plan. By the commencement of the 2015-16 school year, the district will strive to achieve a rate of employment in regard to sex at least equivalent to the goals set forth in its 2010-15 Affirmative Action Plan. The district will see that measurable efforts are made in the utilization of women for higher levels of responsibility in both certificated and classified positions. The district will make good faith effort to recruit, interview and employ individuals consistent with the district commitment to nondiscrimination and affirmative action for all positions and in every department, school and level of operation. Preferential or adverse employment practices, including demotions or termination will not be used to meet stated goals or time lines.

### **Administrators**

- Goal: To place females in administrative positions.
- Objectives: To place females in administrative positions as they become available which falls within a range of 80% men and/or women, without using preferential employment practices.
- To identify qualified potential candidates from outside the district for consideration for future openings.

### **Principals and Assistant Principals**

- Goal: To place females in principal positions.
- Objective: To place females in principal and assistant principal positions as they occur and trained women are available, without using preferential employment practices.

### **Teachers, Elementary or grades K-8**

- Goal: To provide each student with the opportunity to experience both male and female homeroom teachers during the primary as well as the intermediate grades.
- Objective: To achieve a staff which falls within a range of 80% men and/or women in the primary as well as the intermediate grades at each school, without using preferential employment practices.

### **Teachers, Secondary or grades 9-12**

- Goal: To provide students with the opportunity to work with male and female staff in both curricular and extracurricular activities.
- Objective: To maintain a staff which falls within a range of 80% men and/or women for classroom teachers and activity supervisors, without using preferential employment practices.

### **Support Staff — Certificated and Classified**

- Objective: To achieve a staff which falls within a range of 80% men and/or women, without using preferential employment practices.

### **Ethnic Minority Balance and Staff Goals**

The profiles of the district's current student ethnic minority population and the district's current ethnic minorities (American Indian/ Native American, Asian, Black, and Hispanic) are set forth in its 2010-15 Affirmative Action Plan. By the commencement of the 2015-16 school year the district will strive to achieve a rate of employment for ethnic minorities in both certificated and classified areas as indicated in this plan, without using preferential employment practices. These goals are a utilization level for certificated staff, at least equal to the percentage of ethnic minority student enrollment within the district; for classified staff a utilization level of at least 80%, a figure based upon relevant availability figures in the Kitsap County statistical area. Final and interim goals are set out in the 2010-15 Affirmative Action Plan. The district will see that measurable efforts are made in the utilization of ethnic minorities for higher levels of responsibility in both certificated and classified positions, without using preferential employment practices. The district will make good faith effort to recruit, interview and employ individuals consistent with the district commitment to nondiscrimination and affirmative action for all positions and in every department, every school and at every level of operation. Preferential or adverse employment practices, including demotions or termination will not be used to meet stated goals or time lines.

### **Administrators**

- Goal: To place ethnic minorities in administrative positions, without using preferential employment practices.
- Objectives: To place ethnic minorities in administrative positions as they become available to progress toward the percentage of ethnic minorities in the current ethnic minority student enrollment.
- To identify qualified potential candidates from outside the district for consideration for future openings.

### **Principals and Assistant Principals**

- Goal: To place ethnic minorities in principal positions.
- Objective: To place ethnic minorities in principal and assistant principal positions as they occur and trained applicants are available, without using preferential employment practices.

### **Teachers: Elementary or grades K-8**

- Goal: To provide each student with the opportunity to experience ethnic minority home-room teachers during the primary as well as the intermediate grades, without using preferential employment practices.
- Objective: To achieve a staff of primary and intermediate teachers in which the percentage of ethnic minorities is comparable to that of the current ethnic minority student enrollment.

### **Teachers: Secondary or grades 9-12**

- Goal: To provide students with the opportunity to work with ethnic minority staff in both curricular and extracurricular activities.
- Objective: To maintain a staff of classroom teachers and activity supervisors in which the percentage of ethnic minorities is comparable to that of the current ethnic minority student enrollment, without using preferential employment practices.

### **Support Staff - Certificated and Classified**

- Objective: To achieve a staff of certificated and classified support staff in which the percentage of ethnic minorities is comparable to that of the current ethnic minority student enrollment, without using preferential employment practices.

### **Aged Balance and Staff Goals**

The profile of the district's current age distribution of certificated and classified staff is set forth in its 2010-15 Affirmative Action Plan. By the commencement of the 2015-16 school year, the district will strive to achieve a rate of employment for age categories for both certificated and classified staff as indicated in Chart D6 of this plan. The district will make good faith effort to recruit, interview and employ individuals consistent with the commitment to nondiscrimination and affirmative action providing the prospective staff member meets the requisite standards for the specific position.

### **Administrators**

- Goal: To identify administrative positions where age is not a barrier to performance.
- Objective: To create opportunities for older prospective staff to work on a part-time basis when it would not deter the district's operations.

### **Teachers**

- Goal: To provide opportunities for students to work with older staff in both curricular and extracurricular activities.
- Objective: To create opportunities for older staff to work on a part-time basis in those situations where the staff member can serve as a role-model to the student or can share his/her breadth of experience.

### **Support Staff - Certificated and Classified**

- Goal: To identify positions in the district, either full-time or part-time, where age does not limit the performance of the prospective staff member.
- Objective: To place prospective staff who desire to work in positions where they are able to meet the expectations and/or needs of the district.

### **Persons with Disabilities: Balance and Staff Goals**

The profile of the district's current distribution of certificated and classified staff with disabilities conditions is set forth in its 2010-15 Affirmative Action Plan. By the commencement of the 2015-16 school year, the district will strive to achieve a rate of employment for staff with disabilities in certificated and classified areas as indicated in the Kitsap County statistical area. The district will make good faith effort to recruit, interview, and employ individuals consistent with the district's commitment to nondiscrimination and affirmative action providing the prospective staff member meets the requisite standards for the specific position.

The ratio of placement will be equal to the ratio of employable persons with disabilities as compared to the persons without disabilities in the statistical area.

### **Administrators**

- Goal: To identify administrative positions where a disability is not a barrier to performance.
- Objective: To place administrators with disabilities in assignments when it would not deter the district's operations.

### **Teachers**

- Goal: To provide opportunities for students to work with teachers who have disabilities in both curricular and extracurricular activities.
- Objective: To place teachers with disabilities in assignments when it would not impair the instructional program.

### **Support Staff - Certificated and Classified**

- Goal: To identify positions within the district where a disability does not limit the performance of the prospective staff member.
- Objective: To place support staff with disabilities in assignments when it would not deter the district's operations.

## Internal Audit And Monitoring System

The superintendent's office, in compliance with WAC 162-12, "Pre-employment Inquiry Guide," will record by age, race, sex and other protected groups applicant flow, new hires, promotions, transfer requests, transfers, administrative internships and terminations. An analysis will be made of the internal and external work force availability of aged, persons without disabilities, ethnic minorities and women.

The district will evaluate the effectiveness of the nondiscrimination and affirmative action program and report its status to the board semiannually. Such reports may include recommendations for changes in the affirmative action program goals. The overall responsibility for monitoring and auditing this policy is assigned to the district office. The duties include:

- A. Analysis of the categories of employment in relation to affirmative action goals;
- B. Analysis of work force data and applicant flow;
- C. Maintaining records relative to affirmative action information;
- D. Preparation of semiannual reports of progress toward the goals and recommended changes required to maintain the vitality of the program;
- E. Identifying in a written report to the superintendent any employment practice or policy that is discriminatory or that does not meet the requirements of the affirmative action program; and
- F. Keeping the superintendent advised of the progress in implementing the goals and procedures of this affirmative action program.

## Grievance Procedure

To ensure fairness and consistency, the following review procedures are to be used in the district's relationship with its staff with regard to employment problems covered by state and federal equal employment opportunity laws and/or this affirmative action program. No staff member's status with the district will be adversely affected in any way because the staff member utilized these procedures.

- 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 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 affirmative action/Title IX 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 affirmative action/Title IX 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 provide the complainant a copy of this procedure. The Compliance Officer will investigate the allegations set forth 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 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<sup>th</sup>) 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 i) A description of the specific acts, conditions or circumstances alleged to violate applicable anti-discrimination laws; ii) The name and contact information, including address of the complainant; iii) The name and address of the district subject to the complaint; iv) A copy of the district's complaint and appeal decision, if any; and v) 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 CW 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 six (6) years.

### **Resources**

1. District Contact:

Director of Finance, Operations & HR  
Bremerton School District  
134 Marion Ave. No.  
Bremerton, WA 98312  
360.473.1031

State Contact:

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

Washington State Human Rights Commission  
711 South Capitol Way, Suite 402  
P.O. Box 42490  
Olympia, WA 98504-2490  
360.753.6770

Office of Civil Rights  
U.S. Department of Education  
915 Second Avenue, Room 3310  
Seattle, WA 98174  
206.607.1600

**Bremerton School District**  
**10/19/00; 5/7/15**

## **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 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 communications 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 obtaining 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 intimidation, 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 sexual harassment, eliminate the hostile environment, prevent its occurrence 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 on-going 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 staff or 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 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 and the

procedure, which includes the complaint process, will be posted in each District building in a place available to staff, parents, volunteers and visitors. Information about the policy and procedure will be clearly stated and conspicuously posted throughout each school building, provided to each employee and 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 email address.

#### Policy Review

The Superintendent will make an annual report to the Board reviewing the use and efficacy of this policy and related procedures. Recommendations for changes to this policy, if applicable, will be included in the report. The Superintendent is encouraged to involve staff, volunteers and parents in the review process.

Cross References: 3205 – Sexual Harassment of Students Prohibited  
3207 - Prohibition of Harassment, Intimidation and Bullying  
3210 - Nondiscrimination  
3240 - Student Conduct  
3421 - Child Abuse, Neglect and Exploitation Prevention  
5010 - Nondiscrimination and Affirmative Action

Legal Reference: RCW 28A.640.020 Regulations, guidelines to eliminate discrimination—Scope—Sexual harassment policies

WAC 392-190 - 058 Sexual harassment  
20 U.S.C. §§ 1681-1688

Management 2015 – July Policy Alert  
Resources: 2014 – December Issue  
2010 – October Issue

#### Bremerton School District

Adopted: 11/17/83

Revised: 11/14/91 8/5/99 9/20/12

4/16/15 10/01/2015

Affirmed: 1/11/90 11/14/91 8/13/92

## **Sexual Harassment of District Staff Prohibited**

### **Informal Complaint Process:**

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 Bremerton School District, 134 Marion Ave. N., Bremerton, WA 98312.

### **Staff Responsibilities**

In the event of an alleged sexual assault, the school principal will immediately inform: 1) the Title IX/Civil Rights Compliance Coordinator 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 Coordinator for evaluation. The Title IX Coordinator 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 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 persons; 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 Coordinator may draft the complaint based on the report of the complainant for the complainant to review and approve. The superintendent or Title IX Coordinator 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 formal 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 district Title IX Coordinator, Garth Steedman, at 134 Marion Ave. N., Bremerton, WA 98312, 360-473-1031,



[garth.steedman@bremertonschools.org](mailto:garth.steedman@bremertonschools.org). Any district employee who receives a complaint that meets these criteria will promptly notify the Coordinator.

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- 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.
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### **Investigation and Response**

- The Title IX Coordinator will receive and investigate all formal, written complaints of sexual harassment, or information in the Coordinator's possession that they believes requires further investigation. The Coordinator 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 Coordinator 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 and 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 complete, the Coordinator will compile a full written report of the complaint and the results of the investigation.

### **Superintendent Response**

- The Superintendent will respond in writing to the complainant and the alleged perpetrator within thirty (30) days calendar of the 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 non-compliance is found to have occurred, 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 perpetrators(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 discriminator harassment by a named party or parties, the Coordinator 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 (20<sup>th</sup>) 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 (OSPI).

### **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 Coordinator 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.

Management Resources:        2015 – July Policy Alert  
                                             2014 – March Issue

### **Drug-Free Schools, Community and Workplace**

The Board has an obligation to staff, students and citizens to take reasonable steps to assure safety in the workplace and to provide safety and high quality performance for the students that the staff serves.

“Workplace” is defined to mean the site for the performance of work done in connection with a federal grant. That includes any school building or any school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities and off school property during any school-sponsored or school-approved activity or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district where work on a federal grant is performed.

For these purposes, the Board declares that the following behaviors will not be tolerated:

1. Reporting to work under the influence of alcohol, illegal chemical substances or opiates.
2. Using, possessing, transmitting alcohol (except in accordance with Policy 4260), illegal chemical substances (including anabolic steroids) or opiates in any amount or in any manner on District property at any time. Any staff member convicted of a felony attributable to the use, possession or sale of illegal chemical substances or opiates will be subject to disciplinary action, up to and including immediate discharge from employment.
3. Using District property or the staff member’s position within the District to make or traffic alcohol, illegal chemical substances or opiates.
4. Using, possessing or transmitting illegal chemical substances and opiates in a manner which is detrimental to the interest of the District.

Any staff member who is taking a drug or medication, whether or not prescribed by the staff member’s physician, which may adversely affect that staff member’s ability to perform work in a safe or productive manner is required to report such use of medication to his or her supervisor. This includes drugs which are known or advertised as possibly affecting judgment, coordination of any of the senses, including those which may cause drowsiness or dizziness. The supervisor in conjunction with the District office then will determine whether the staff member can remain at work and whether any work restrictions will be necessary.

As a condition of employment, each employee shall notify his or her supervisor of a conviction under any criminal drug statute violation occurring in the workplace as defined above. Such notification shall be provided no later than five days after such conviction. The District shall

inform the federal government within ten days of such conviction, regardless of the source of the information.

Each employee shall be notified of the District's policy and procedures regarding employee drug activity at work. Any staff member who violates any aspect of this policy may be subject to disciplinary action, which may include immediate discharge. As a condition of eligibility for reinstatement, an employee may be required to satisfactorily complete a drug rehabilitation or treatment program approved by the Board, at the employee's expense. Nothing in this policy shall be construed to guarantee reinstatement of any employee who violates this policy, nor does the school district incur any financial obligation for treatment or rehabilitation ordered as a condition or eligibility for reinstatement.

Other actions such as notification of law enforcement agencies may be taken in regard to a staff member violating this policy at the District's discretion as it deems appropriate.

Legal References:	41 USC §§ 701-707	Drug Free Workplace Act of Subtitle D 1988 and as amended in 1989
	20 USC §§ 7101-7118	Safe and Drug-Free Schools and Communities Act
	21 USC 812 21 CFR 1300.11-1300.15 RCW 69.50.435	Controlled Substance Act Violations committed on school bus or in or near school grounds or school bus route stop

Bremerton School District

Adopted:	2/4/99			
Revised:	1/16/14			
Affirmed:				

### **Maintaining Professional Staff/Student Boundaries**

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.

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.

Employees are expected to exercise common sense and good judgment in their interactions with students. District staff will not intrude on a student's physical and emotional boundaries unless the intrusion is necessary to serve a demonstrated educational purpose. 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 judgment when they have a dual relationship with 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.

The Board supports the use of technology to communicate for educational purposes. However, District staff are prohibited from inappropriately communicating with students online 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.

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 –



RCW 28A.405.470	Appeal – Recovery of salary or compensation by district 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 superintenant 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
Chapter 28A.640, Chapter 28A.642, Chapter 49.60,	RCW Sexual Equity RCW Distrimination Prohibition RCW – Washington State Law Against Discrimination
Chapter 181-87 WAC	Professional certification — Acts of unprofessional conduct
Chapter 181-88 WAC	Definitions of sexual misconduct, verbal abuse and physical abuse - Mandatory disclosure — Prohibited Agreements

Cross References	3205 Sexual Harassment of Students Prohibited
	3207 Prohibition of Harasment, Intimidation and Bullying
	3210 Nondiscrimination

Bremerton School District

Adopted:	<u>1/02/14</u>	<u>                    </u>	<u>                    </u>
Revised:	<u>12/10/15</u>	<u>                    </u>	<u>                    </u>
Affirmed:	<u>                    </u>	<u>                    </u>	<u>                    </u>

### **Maintaining Professional Staff/Student Boundaries**

The purpose of this procedure is to provide all staff, students, volunteers and community members with information to increase their awareness of their role in protecting children from inappropriate conduct by adults.

In a professional staff/student relationship, school employees maintain boundaries that are consistent with the legal and ethical duty of care that school personnel have for students.

A boundary invasion is an act or omission by a school employee that violates professional staff/student boundaries and has the potential to abuse the staff/student relationship.

An inappropriate boundary invasion means an act, omission, or pattern of such behavior by a school employee that does not have an educational purpose; and results in abuse of the staff/student professional relationship.

### **Unacceptable Conduct**

Examples of inappropriate boundary invasions by employees include but are not limited to the following:

- A. Any type of inappropriate physical contact with a student or any other conduct that might be considered harassment under the board's policy on harassment and sexual harassment of students;
- B. Showing pornography to a student;
- C. Singling out a particular student or students for personal attention and friendship beyond the professional staff-student relationship;
- D. Socializing where students are consuming alcohol, drugs or tobacco;
- E. For non-guidance/counseling employees, encouraging students to confide their personal or family problems and/or relationships. If a student initiates such discussions, employees 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 employees with personalized terms of endearment, pet names or otherwise in an overly-familiar manner;
- J. Maintaining personal contact with a student outside of school by phone, e-mail, instant messenger or Internet chat rooms, social networking websites, or letters (beyond homework or other legitimate school business) without including the parent/guardian;
- K. Exchanging of inappropriate 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).

### Appearances of Impropriety

The following activities are boundary invasions and can create an actual impropriety or the appearance of impropriety. Whenever possible, employees should avoid these situations. If unavoidable, these activities should be pre-approved by the appropriate administrator. If not pre-approved, the employee 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 employee's home;
- C. Unauthorized visitation to a student's home; and/or
- D. Social networking with students for non-educational purposes.

### Reporting Violations

Students and their parents/guardians are strongly encouraged to notify the principal (or other administrator) if they believe a teacher or other staff member may be engaging in conduct that violates this policy.

Employees are required to promptly notify the principal or the supervisor of the employee suspected of engaging in inappropriate conduct that violates this policy.

The administrator to whom a boundary invasion concern is reported must document, in writing, the concern and provide a copy of the documentation to the assistant superintendent or director in charge of the district's personnel office. The assistant superintendent or director of personnel will maintain a separate non-personnel file of all boundary invasion reports made to personnel.

Whenever boundary invasion concerns occur, the person in charge of personnel will review the full history of concerns relating to the person complained about and will provide a summary to the superintendent.

All school personnel who have cause to believe that a student has experienced sexual and/or physical abuse by an employee, volunteer, or agency personnel working in the school are required to make a report to Child Protective Services or law enforcement pursuant to Board Policy and Procedure 3421, *Child Abuse, Neglect and Exploitation Prevention*, and RCW 26.44. Reporting suspected abuse to the building principal or supervisor does not relieve employees 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. Violations involving sexual or other abuse will also result in referral to Child Protective Services and/or law enforcement in accordance with the board's policy on reporting child abuse and neglect.

### Training

All new employees and volunteers will receive training on appropriate staff/student boundaries within one month of employment. Continuing employees will receive training every three years.

### Dissemination of Policy and Reporting Protocols

This policy and procedure will be included on the district website and in all employee, student and volunteer handbooks. Annually, all administrators and staff will receive copies of the district's reporting protocol.

## **Disciplinary Action and Discharge**

### **Grounds for Disciplinary Action or Discharge**

Staff who fail to fulfill their job responsibilities or follow the reasonable directions of their administrators or who conduct themselves on or off the job in ways that affect their effectiveness on the job may be subject to disciplinary action or discharge. Such behavior, conduct, or action may include but is not limited to:

- A. Incompetence;
- B. Inefficiency;
- C. Misappropriation or misuse of district property;
- D. Neglect of duty;
- E. Insubordination;
- F. Conviction/guilty plea of any crime which adversely affects the employee's ability to perform a job including any felony crime involving:
  - 1. The physical neglect of a child;
  - 2. The physical injury or death of a child;
  - 3. Sexual exploitation of a child;
  - 4. Sexual offenses;
  - 5. Promotion of a minor for prostitution purposes; or
  - 6. The sale or purchase of a minor child;[employees are required to report in writing to the superintendent any conviction or guilty plea of the above referenced crimes (and of any other crimes that are workplace related) within five days of conviction or guilty plea];
- G. Malfeasance;
- H. Misconduct;
- I. Inability to perform job functions;
- J. Willful violation of District policies and procedures, laws or regulations;
- K. Mistreatment, abuse or assault of fellow workers, students, or members of the public;
- L. Conflict of interest;
- M. Abuse of leave;

- N. Unlawful harassment, verbal abuse, physical abuse or sexual misconduct toward staff, students, or members of the public;
- O. Manufacture, possession, distribution, sale or being under the influence of alcohol, controlled, illegal, addictive or harmful substances including anabolic steroids;
- P. Conduct (whether on the job or off the job) that has a substantial negative impact on performance;
- Q. Mental or physical inability to perform the essential job duties;
- R. Intemperance;
- S. Intentional discrimination or harassment;
- T. Vulgar speech or actions;
- U. Use of habit-forming drugs without pharmaceutical prescription by a doctor of medicine licensed to practice in the state of Washington;
- V. Use of alcoholic beverages on district premises or at a district sponsored activity off the district premises;
- W. Use of district supplies and equipment for personal betterment or financial gain or other improper purposes.
- X. Falsification or omission of material information from district records or any report or statement required of or submitted by the employee. This includes, but is not limited to, providing false information to the district (i.e., timesheets, application materials, during formal investigations);
- Y. Engage in the obstruction of justice, which includes witness intimidation, retaliation, destruction of evidence, or engaging in conduct to compromise an investigation or inquiry of misconduct; or
- Z. Engage in any other conduct that lacks educational value/legitimate professional purpose and harms students.

In the event that allegations or charges are made against a staff member for misconduct with minors, the superintendent may contact the Child Protective Services central registry for evidence regarding whether the staff member is an adjudicated or admitted perpetrator of child abuse or neglect. Appropriate reports will also be made to law enforcement, the Office of the Superintendent of Public Instruction, and the student's parents or guardians, as required by law.

### **Abuse and Sexual Misconduct**

The District will not enter into any contract that is contrary to law to suppress information about verbal or physical abuse or sexual misconduct by a present or former employee and will comply with all legal requirements regarding such misconduct.

The District, or an individual acting on behalf of the district, shall not provide a recommendation of employment for a current or former employee, contractor, or agent that the district or individual acting on behalf of district knows or has probable cause to believe has engaged in sexual misconduct with a student or minor in violation of the law. District/school employees, contractors, and agents are also prohibited from providing a recommendation of employment to a current or former employee, contractor, or agent that the employees, contractors, or agents know or has probable cause to believe engaged in sexual misconduct with a student or minor in violation of the law. This does not prohibit the routine transmission of administrative or personnel files, but does prohibit doing more than that to help the current or former employee obtain new employment.

### **Suspension of Staff**

The Superintendent/designee is authorized to suspend a staff member immediately as deemed appropriate. The staff member will be afforded the rights accorded by the appropriate negotiated agreement, and any such protections due to said staff member by law.

Cross  
References:

- 5006 - Certification Revocation
- 5240 - Evaluation of Staff
- 2022 – Internet Use
- 2330 - Academic Freedom
- 3205 - Sexual Harassment of Students Prohibited
- 3207 - Student and Employee Prohibition of Harassment, Intimidation  
and Bullying and Retaliation
- 3210 - Nondiscrimination
- 3421 - Child Abuse, Neglect and Exploitation Prevention
- 5011 - Sexual Harassment
- 5021 – Applicability of Personnel Policies
- 5201 – Drug Free Schools, Community and Workplace
- 5202 – Federal Motor Carrier Safety Administration Mandated Drug  
and Alcohol Testing Program
- 5203 – Employee Assistance Program
- 5231 - Length of Work Day
- 5251 – Conflict of Interest

5253 - Maintaining Professional Staff/Student Boundaries  
5271 – Reporting Improper Governmental Action  
5315 – Garnishment and Personal Credit Problems

Legal  
References: 20 U.S.C. §7926  
RCW 28A.400.300 Hiring and discharge of employees —Written leave policies  
— Seniority and leave benefits of employees transferring between school districts  
and other educational employers  
RCW 28A.400.320 Crimes against children — Mandatory termination of  
classified employees — Appeal — Recovery of salary or compensation by district  
RCW 28A.400.340 Notice of discharge to contain notice of right to appeal if  
available  
RCW 28A.405.300 Adverse change in contract status of certificated employee —  
Determination of probable cause — Notice — Opportunity for hearing  
RCW 28A.405.310 Adverse change in contract status of certificated employee,  
including non-renewal of contract — Hearings — Procedure  
RCW 28A.405.470 Crimes against children — Mandatory termination of  
certificated employees — Appeal — Recovery of salary or compensation by  
district  
RCW 28A.410.090 Revocation or suspension of certificate or permit to teach —  
Criminal basis — Complaints — Investigation — Process  
RCW 49.44.200 Personal social networking accounts – Restrictions on employer  
access - Definitions  
Chapter 181-86 RCW Policies and procedures for administration of certification  
proceedings  
WAC 181-87 Acts of Unprofessional Conduct  
Management  
Resources: 2019 – March Issue  
2015 – December Issue  
2014 - December Issue  
2004 - October Issue

Bremerton School District  
Adopted: March 16, 2016

Revised: 1/14/2021		

Classification: **Discretionary**



## **Disciplinary Action and Discharge Procedures**

### **Personal Conduct for District Coaches, Supervisors and Volunteers During School Sponsored Events and/or Activities**

District coaches, supervisors and all other District personnel are first and foremost responsible for maintaining the safety and well-being of students, including players and other participants in and spectators at District events. The Board also recognizes the rights of its employees, as citizens, to engage in brief personal conduct during designated times. The following guidelines articulate how and when coaches and other supervisors may engage in personal conduct while on duty:

**Primary Rule Governing Personal Conduct:** The safety and well-being of District students must always be the primary objective for District personnel, including all full-time and part-time employees. Maintaining order at school events and ensuring that the District is able to control the content of its programs and communicate its own messages to students are also critically important governmental aims that all District personnel must serve (see 6512P, Security). As a result, coaches and supervisors of District activities must coordinate, even during designated periods for personal conduct, to ensure that students are sufficiently supervised at all times during District events and when students are present. If multiple supervisors wish to engage in personal conduct, the head coach or principal organizer of a district event may implement a system of staggered or rotating personal conduct but may not favor any one person or one type of personal conduct over any other.

#### A. Personal Conduct Defined:

1. Personal conduct is defined as brief, private conduct outside the scope of an employee's job duties that takes place during a District event.
  - i. Examples of acceptable personal conduct include making a brief phone call to a family member or friend, quickly checking social media, reading a newspaper article, or saying a brief, private prayer.
2. Individuals engaging in personal conduct may not invite anyone else, whether students or otherwise, to join in that conduct.
3. Personal conduct does not include any words or actions that:
  - i. Threaten the safety of students or staff or put students or staff at risk of harm,
  - ii. Distract coaches or supervisors from their coaching or supervisory duties for a more than de minimis periods,
  - iii. Create a reasonable risk of substantial disruption or material interference with a school event, *Tinker v. Des Moines Ind. Cmty. Sch. Dist.*, 393 U.S. 503, 514 (1969),
  - iv. Coerce anyone, including students or other District employees, to participate in religious exercise, *Kennedy v. Bremerton Sch. Dist.*, 142 S. Ct. 2407, 2429 (2022),

- v. Promote illegal activity, *Morse v. Frederick*, 551 U.S. 393, 408 (2007),
- vi. Constitute lewd or indecent speech, *Bethel Sch. Dist. No. 403 v. Fraser*, 478 U.S. 675, 686 (1986), or
- vii. Constitute harassing, bullying, or intimidating behavior in violation of District Procedures 3207P.

B. Designated Times for Personal Conduct:

1. During the District event, personal conduct is permitted only while coaches or supervisors are not actively performing their coaching or supervisory roles or duties and the performance of personal conduct will not disrupt the District event. The following specific guidelines are consistent with that rule:
2. Personal conduct is permitted:
  - i. While student participants are competing or performing in the District event, and coaches and supervisors are *not* instructing them, as long as no student participants are within 25 feet of the coach or supervisor when that individual's personal conduct begins, or
  - ii. After student participants have exited the event performance space.
3. Personal conduct is strictly prohibited:
  - i. While student participants are competing or performing in the District event and coaches or supervisors are instructing them,
  - ii. While student participants are participating in ceremonial activities during the District event that require supervision, and
  - iii. While student participants are within 25 feet of the coach or supervisor when the coach's or supervisor's personal conduct begins.

C. Persons subject to this procedure with questions about it, or who wish to appeal any decisions implementing it, should contact the Superintendent/Designee.

## **Volunteers**

The District recognizes the valuable contribution made to the total school program through the volunteer assistance of parents and other citizens. Volunteers will work under the direct, visible supervision of a District employee and will be held to the same professional code of standards as emphasized in the Washington State Code of Professional Conduct for Education Practitioners. District staff will clearly explain the volunteer's responsibilities.

Volunteers shall be required to adhere to District policies. All volunteers shall be subject to a name and date of birth background check through the Washington State Patrol and may be subject to full fingerprinting procedures prior to volunteering in the district and every two years thereafter while actively volunteering.

In accordance with WIAA requirements, prospective volunteer coaches will be required to complete the full fingerprinting process prior to becoming a volunteer.

The Superintendent shall be responsible for developing and implementing procedures for the utilization of volunteers.

Legal References:	RCW 43.43.830-840	Washington State Criminal Code	
		Records	
	RCW 28A.320.155	Criminal History record information	
		- School Volunteers	
	WAC 446-20-285	Employment - Conviction records	
	WIAA 23.3.0	Washington Interscholastic	
		Activities Association Handbook	

### Bremerton School District

Adopted:	<u>11/17/83</u>	<u>                    </u>	<u>                    </u>
Revised:	<u>11/14/95</u>	<u>8/5/99</u>	<u>03/20/2013</u>
Affirmed:	<u>1/11/90</u>	<u>8/13/92</u>	<u>                    </u>

## **Volunteers**

All prospective volunteers will be required to complete and submit a Volunteer Application Form.

Prospective volunteers will have a name and date of birth background check with the Washington State Patrol; if required, volunteers may be fingerprinted. Only employees authorized to access the Washington State Patrol WATCH System for volunteer background checks shall do so. All such records shall be treated as confidential. Arrest and prosecution records (RAP sheets) shall be stored by the District in a secure location.

The administrator will approve the selection of volunteers based on the established standards.

Any criminal convictions identified on a volunteer's record will be reviewed by the Superintendent or designee prior to the person being approved as a volunteer. Prior to final approval, the Superintendent, his/her designee, or the building principal may request to discuss with the individual the specific circumstances connected with the RAP sheet. The final decision will be made by the Superintendent or his/her designee.

All volunteers will sign in immediately upon entering the school building and will wear an identification badge; prior to departure volunteers will sign out and turn in the badge.

Student volunteers will complete the volunteer application process with the approval of their parents.

In addition to the guidelines above, volunteer coaches are required to follow WIAA requirements and to complete:

- an interview with the Athletic Director;
- the requirements contained in the "Volunteer Coach Form" memorandum;
- a Character and Fitness Supplemental Form
- a Coach and Volunteer Coach Agreement; and
- a full fingerprinting process
- Student volunteer coaches, with parent approval, will complete the Washington State Patrol Background Check rather than fingerprinting.

Upon completion of these processes, a determination will be made regarding a recommendation to the Board of Directors for approval.

## **Infection Control Program**

### **Vaccine Requirements**

In order to safeguard the school community from the spread of certain vaccine-preventable diseases and in recognition that prevention is a means of combating the spread of disease, the Board encourages susceptible school staff members (including volunteers) to provide evidence of immunity against TD (Tetanus-Diphtheria) and MMR (Measles, Mumps and Rubella). Staff members born prior to January 1, 1957 need not provide evidence of immunity to measles; these individuals are considered naturally immune.

To facilitate this prevention program, the Board authorizes the Superintendent to make arrangements for staff immunization at a convenient time and place, and at a nominal cost to the staff member. A "susceptible" staff member may be exempt from the requirements for immunization by filing a written objection to such immunization on the basis of religious or philosophical grounds, when a private physician certifies that the staff member's physical condition contraindicates immunization or when the staff member provides documentation of immunity by blood test.

In the event of an outbreak of a vaccine-preventable disease in school, the Superintendent, after consultation with the local health officer, and/or the local health officer has the authority to exclude a susceptible staff member, who has not filed an immunization record with the District. A staff member granted an exemption for religious, philosophical or medical reasons or without an acceptable immunization record on file may be excluded, as he/she is considered to be susceptible. If excluded he/she is not eligible to receive sick leave benefits because of the exclusion itself. To qualify for benefits, he/she must be ill or temporarily physically-disabled.

### **Infectious Disease Reporting**

A staff member who knowingly has contracted a medically-diagnosed reportable disease that could be transmitted in the school setting is expected to notify the Superintendent, or designee, immediately. A reportable disease must be reported to the local health office.

### **Infection Control Program**

The Superintendent or designee shall evaluate all job duties of District employees to determine which employees have reasonably anticipated on-the-job exposure to blood or other potentially infectious material. The District shall maintain a list of job classifications where employees have reasonably anticipated exposure to blood or other potentially infectious material. The Hepatitis B vaccine shall be provided at the District's expense to all employees identified as having risk of directly contacting blood or other potentially infectious material at work.

In the event that an employee has a specific exposure to blood or other potentially infectious material, the employee will be provided, at District expense, with confidential medical evaluation, follow-up and treatment, if indicated.

The District shall provide annual training to all employees with reasonably anticipated exposure to blood or other potentially infectious material. These employees shall receive District provided Hepatitis B/HIV training during working hours or be compensated for this time. The initial training shall be completed by January 1993 or within six (6) months of start of employment.

Records shall be kept in strict confidence regarding the Hepatitis B vaccine status of all employees with reasonably anticipated exposure to blood or other potentially infectious material and for each occupational exposure an employee has to blood or other potentially infectious material. The records shall be kept for the duration of the employee's employment, plus thirty years. The District shall also keep records indicating that employees have received appropriate training.

Legal Reference:	WAC 246-110-001	Control of communicable disease
	296-62-08001	Bloodborne pathogens
	392-198	Training--school employees--HIV/AIDS

Bremerton School District

Adopted:	_____	_____	_____
Revised:	<u>4/27/95</u>	<u>7/8/99</u>	_____
Affirmed:	_____	_____	_____

## **Infection Control Program**

### **Immunization**

Staff members, including substitutes and student teachers are encouraged to complete an **Immunization History Form** to be placed on file at the District office. In the event of an outbreak of a vaccine-preventable disease in school, the local health officer has the authority to exclude all susceptible persons, including school staff. This authority would likely be exercised in the event of one or more cases of measles or rubella within the school. Susceptible, as related to measles, means any staff member born after January 1, 1957.

A staff member may claim an exemption for health, religious or philosophical reasons. However, such a staff member who files an exemption may be excluded if an outbreak occurs at his/her school. A staff member who is excluded is not eligible to receive sick leave benefits unless he/she is ill or physically disabled or is otherwise provided for in the collective bargaining agreement.

If a staff member needs to be immunized, he/she should contact a personal physician or clinic. Immunizations may also be available at a nominal cost from the county health department.

### **Infection Control Program**

The District's infection control program shall be consistent with state law and guidelines. All employees with reasonably anticipated on-the-job exposure to blood or other potentially infectious material shall be identified. Potentially infectious human body fluids are blood, semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood and all body fluids in situations where it is difficult to differentiate between body fluids. Examples of employees with reasonably anticipated risk of exposure include, but are not limited to, school nurses, teachers and assistants in classrooms for the developmentally disabled, the institutionalist of group home residents, bus drivers of such students or who provide first aid, Communication Disorders Specialists for such students, coaches or assistants who provide first aid and first aid providers. All job duties should be evaluated for the risk of exposure to blood or potentially infectious material. The District shall maintain a list of job classifications with reasonably infectious material.

All employees identified as having reasonably anticipated exposure to blood or other potentially infectious material shall be offered the Hepatitis B vaccine at the District's expense.

If an employee has a specific exposure to blood or other potentially infectious material while at work, the District will provide a free and confidential medical evaluation and follow-up performed by an appropriately trained and licensed health care professional. Any necessary post-exposure treatment shall be provided.

Employees with reasonably anticipated exposure to blood and other potentially infectious material shall participate in District-provided training within ten days of employment and annually. The training shall include:

1. a general description of bloodborne diseases,
2. an explanation of modes of transmission of bloodborne pathogens,
3. an explanation of the use and limitations of methods of control,
4. information about personal protective equipment,
5. a description of procedures to follow if an exposure incident occurs,
6. an explanation of signs, labels, tags and color coding used to designate biohazards,
7. where to obtain a copy of state law on bloodborne pathogens,
8. an explanation of the District's infection control plan and how to obtain a copy,
9. how to identify tasks and activities that may involve exposure to blood or other potentially infectious material and
10. appropriate actions to take in emergencies involving blood or other potentially infectious material.

The training shall be provided by a qualified person and shall include opportunities for questions.

The District shall provide training to all employees regarding HIV/AIDS. The training shall be provided within six months of initial employment. The training shall include:

1. history and epidemiology of HIV/AIDS,
2. methods of transmission of HIV,
3. methods of prevention of HIV infection including universal precautions for handling of body fluids,
4. current treatment for symptoms of HIV and prognosis of disease prevention,
5. state and federal laws barring discrimination against persons with HIV/AIDS and



6. state and federal laws regulating the confidentiality of a person's HIV antibody status.

Significant new discoveries or changes in accepted knowledge regarding HIV/AIDS shall be transmitted to employees within one calendar year of notification from the Superintendent of Public Instruction, unless the Department of Health notifies the District that prompt dissemination of the information is required.

The Hepatitis B vaccination status and records regarding occupational exposure, if any, shall be kept in strict confidence during employment, plus thirty years, for any employee with reasonably anticipated exposure to blood or other potentially infectious material. The records of occupational exposures shall include:

1. the employee's name and social security number,
2. the employee's Hepatitis B vaccination status,
3. examination results, medical testing and follow-up procedure records,
4. the health care professional's written opinion and
5. a copy of information provided to the health care professional.

The District shall also keep records of training sessions including the dates, a summary of the material, names and qualifications of the trainers and names of employees attending the training. These records shall be kept for three years.