

Harassment, Intimidation and Bullying of Students Prohibited

The Yakima School District Board of Directors is committed to a safe and civil educational environment for all students that is free from harassment, intimidation or bullying.

1. Introduction

The Yakima 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 OP 3215 for a student to be harassed, intimidated, or bullied by others at school. Student(s) will not be harassed, intimidated, or bullied 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. "Other distinguishing characteristics" can include but are not limited to physical appearance, clothing or other apparel, socioeconomic status and weight. Nothing in this section requires the targeted student to actually possess a characteristic that is a basis for the harassment, intimidation or bullying.

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.

2. Harassment, Intimidation or Bullying Defined

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

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

"Intentional acts" refers to the individual's choice to engage in the act rather than the ultimate impact of the action(s).

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.

3. Definitions

- 3.1 **Aggressor** means a student or other member of the school who engages in the harassment, intimidation or bullying of a student.
- 3.2 **HIB Incident Reporting Forms (OP 3215.1X)** may be used by students, families, or staff to report incidents of harassment, intimidation or bullying.
- 3.3 **Retaliation** occurs when an aggressor harasses, intimidates, or bullies a student who has reported incidents of bullying.
- 3.4 **Staff** includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria staff, custodians, bus drivers, athletic coaches, advisors to extracurricular activities,

classified staff, substitute and temporary teachers, volunteers, or paraprofessionals (both employees and contractors).

- 3.5 **Targeted Student** means a student against whom harassment, intimidation or bullying has allegedly been perpetrated.

4. Behaviors/Expressions

Behavior 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.

This operational procedure 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 operational procedures or building, classroom or program rules.

5. District and School Compliance Officers for Students

The superintendent will appoint a district compliance officer as the primary district contact to receive copies of all formal and informal complaints and ensure implementation of OP 3215. The name and contact information for the district compliance officer will be communicated throughout the district.

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5.1 The school compliance officer will:

- 5.1.1 Serve as the school's primary contact for harassment, intimidation and bullying;
- 5.1.2 Receive copies of all HIB Incident Reporting Forms (OP 3215.1X) for their school. If the allegations in a HIB Incident Reporting Form (OP 3215.1X) indicate a potential violation of OP 3215, the staff member who receives the report must promptly notify the school compliance officer. If, during the course of an investigation, the school compliance officer or designee conducting the investigation becomes aware of a potential violation of the district's prohibition against discrimination (OP 3210), the investigator will promptly notify the district's civil rights compliance coordinator. Upon receipt of this information, the civil rights compliance coordinator must notify the parent/guardian of the targeted student that their case will proceed under the discrimination complaint procedure in WAC 392-190-065 through WAC 392-190-075 as well as the HIB complaint procedure. The notice must be provided in a language that the parent/guardian of the targeted student 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 that a written report of harassment, intimidation or bullying involves allegations of a violation of the district's nondiscrimination operational procedure (OP 3210);
- 5.1.3 Be familiar with the use of the student information system. The school compliance officer may use this information to identify patterns of behavior and areas of concern; and
- 5.1.4 In cases where, despite school efforts, a targeted student experiences harassment,

intimidation or bullying that threatens the student's health and safety, the school compliance officer will facilitate a meeting between district staff and the child's parents/guardians to develop a HIB Targeted Student Safety Plan (OP 3215.3X) to protect the student.

5.2 The district compliance officer will:

- 5.2.1 Serve as the district's primary contact for harassment, intimidation and bullying;
- 5.2.2 Provide support and assistance to school compliance officers in resolving complaints;
- 5.2.3 Receive copies of all HIB Incident Reporting Forms (OP 3215.1X), discipline outcomes, and letters to parents providing the outcomes of investigations. If a HIB Incident Reporting Form (OP 3215.1X) indicates a potential violation of the district's nondiscrimination operational procedure (OP 3210), the district compliance officer must promptly notify the district's civil rights compliance coordinator;
- 5.2.4 Be familiar with the use of the student information system. The district compliance officer may use this information to identify patterns of behavior and areas of concern;
- 5.2.5 Ensure implementation of the OP 3215 by overseeing the investigative processes, including ensuring that investigations are prompt, impartial, and thorough;
- 5.2.6 Assess the training needs of staff and students to ensure successful implementation throughout the district, and ensure staff receive annual fall training; and
- 5.2.7 Provide the OSPI School Safety Center with notification of OP 3215 updates or changes on an annual basis.

6. Students with Individual Education Plans or Section 504 Plans

If allegations are proven that a student with an Individual Education Plan (IEP) or Section 504 Plan has been the target of harassment, intimidation or bullying, 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 should occur regardless of whether the harassment, intimidation or bullying incident was based on the student's disability. During the meeting, the team will evaluate issues such as the student's academic performance, behavioral issues, attendance, and participation in extracurricular activities. If a 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 additional services and supports as deemed necessary, such as counseling, monitoring and/or reevaluation or revision of the student's IEP or Section 504 plan, to ensure the student receives a FAPE.

7. Prevention

7.1 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 compliance officer; and the name and contact information for the district compliance officer. The district's OP 3215 will be available in each school in a language that families can understand.

Annually, the superintendent will ensure that a statement summarizing OP 3215 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 OP 3215 is subject to the requirements of WAC 392-400-226.

7.2 Education

Annually, students will receive age-appropriate information on the recognition and prevention of harassment, intimidation or bullying at student orientation sessions and on other appropriate occasions. The information will include a copy of the HIB Incident Reporting Form (OP 3215.1X) or a link to a web-based form.

7.3 Training

This operational procedure (OP 3215) is a component of the district's responsibility to create and maintain a safe, civil, respectful and inclusive learning community and will be implemented in conjunction with comprehensive training of staff and volunteers.

Staff will receive annual training on the school district's operational procedure (OP 3215), including staff roles and responsibilities, how to monitor common areas and the use of the district's HIB Incident Reporting Form (OP 3215.1X).

7.4 Prevention Strategies

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.

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.

8. 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 school 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.

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 OP 3215.

9. Addressing Bullying – Reports

9.1 Step 1: Filing a HIB Incident Reporting Form (OP 3215.1X)

Any student who believes he or she has been the target of unresolved, severe, or persistent harassment, intimidation or bullying, or any other person at school who observes or receives notice of such actions may report incidents verbally or in writing (OP 3215.1X) to any staff member. In order to protect a targeted student from retaliation, a student need not reveal his identity on an HIB Incident Reporting Form (OP 3215.1X). The form may be filed anonymously, confidentially, or the student may choose to disclose his or her identity (non-confidential).

Status of Reporter:**9.1.1 Anonymous**

Students 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 HIB Incident Reporting Form (OP 3215.1X) dropped on a teacher's desk led to the increased monitoring of the boys' locker room in 5th period.)

9.1.2 Confidential

Students 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.")

9.1.3 Non-confidential

Students may agree to file a report non-confidentially. The reporting person who agrees to make their report non-confidential will be informed that due process requirements may require that the district release all of the information that it has regarding the report 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 OP 3215 to protect targeted students and witnesses.

9.2 Step 2: Receiving a HIB Incident Reporting Form (OP 3215.1X)

All staff are responsible for receiving oral and written reports (OP 3215.1X). Whenever possible staff who initially receive an oral or written report (OP 3215.1X) 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 OP 3215.

All reports of unresolved, severe, or persistent harassment, intimidation or bullying will be recorded on a district HIB Incident Reporting Form (3215.1X) and submitted to the school compliance officer or designee, unless the school compliance officer or designee is the subject of the complaint.

9.3 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.

- 9.3.1 Upon receipt of the HIB Incident Reporting Form (OP 3215.1X) that alleges unresolved, severe, or persistent harassment, intimidation or bullying, the school compliance officer or designee will begin the investigation. If there is potential for clear and immediate physical harm to the targeted student, the school will immediately contact law enforcement and inform the parent/guardian.
- 9.3.2 During the course of the investigation, the school will take reasonable measures to ensure that no further incidents of harassment, intimidation or bullying occur between the targeted student and the alleged aggressor. If necessary, the school will implement a HIB Targeted Student Safety Plan (OP 3215.3X) for the student(s) involved. The plan may include changing seating arrangements for the targeted student and/or the alleged aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a safe person for the targeted student; altering the alleged aggressor's schedule and access to the targeted student, and other measures.

If, during the course of an investigation, the school compliance officer or designee conducting the investigation becomes aware of a potential violation of the district's prohibition against discrimination (OP 3210), the investigator will promptly notify the district's civil rights compliance officer. Upon receipt of this information, the civil rights compliance coordinator must notify the parent/guardian of the targeted student that their case will proceed under the discrimination complaint procedure in WAC 392-190-065 through WAC 392-190-075 as well as the HIB complaint procedure. The notice must be provided in a language that the parent/guardian of the targeted student 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 that a written report of harassment, intimidation or bullying involves allegations of a violation of the district's nondiscrimination operational procedure (OP 3210).

- 9.3.3 Within two (2) school days after receiving the HIB Incident Reporting Form (OP 3215.1X), the school compliance officer or designee will notify the parents/guardians of the students involved that a complaint was received and provide them with operational procedure (OP 3215) for harassment, intimidation and bullying.
- 9.3.4 In rare cases, where after consultation with the student and appropriate staff (such as a psychologist, counselor, or social worker) the school has evidence that it would threaten the health and safety of the targeted student 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 operational procedure (OP 3441) for reporting suspected cases to Child Protective Services.
- 9.3.5 The investigation will include, at a minimum:
- An interview with the targeted student;
 - An interview with the alleged aggressor;
 - A review of any previous complaints or reports involving either the targeted student or the alleged aggressor; and

- d. Interviews with other students or staff members who may have knowledge of the alleged incident.
- 9.3.6 The school compliance officer or designee may determine that other steps must be taken before the investigation is complete.
- 9.3.7 The investigation will be completed as soon as practicable but generally no later than five (5) school days from the initial report. If more time is needed to complete an investigation, the district will provide the parent/guardian and/or the targeted student with weekly updates.
- 9.3.8 No later than two (2) school days after the investigation has been completed and submitted to the school compliance officer, the principal or designee will respond in writing or in person to the parent/guardian of the targeted student 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 OP 3215; and
 - d. The process for the parent/guardian of the targeted student to file an appeal if they disagree 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 school chooses to contact the parent/guardian by letter, the letter will be mailed to the parent/guardian of the targeted student 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 targeted student 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 OP 3441 for reporting suspected cases to Child Protective Services.

If the incident cannot be resolved at the school level, the school compliance officer or designee will request assistance from the district compliance officer.

9.4 **Step 4: Corrective Measures for the Aggressor**

After completion of the investigation, the principal or designee will institute any corrective measures necessary. Corrective measures will be instituted as quickly as possible, but in no event more than five (5) school days after contact has been made to the parents/guardians regarding the outcome of the investigation. Corrective measures that involve student discipline will be implemented according to OP 3200 - Student Rules, Regulations and Conduct: Discipline. 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.

9.5 **Step 5: Targeted Student's Right to Appeal**

9.5.1 If the targeted student or parent/guardian is dissatisfied with the results of the investigation, they may appeal to the superintendent or designee by filing a written notice of appeal within five (5) school days of receiving the written decision. The superintendent or designee will review the investigative report and issue a written decision on the merits of the appeal within ten (10) school days of receiving the notice of appeal.

9.5.2 If the targeted student or parent/guardian remains dissatisfied after the initial appeal to the superintendent or designee, the student or parent/guardian 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 targeted student or parent/guardian received the superintendent's written decision.

9.5.3 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 tenth (10th) 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.

9.6 **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 OP 3200 - Student Rules, Regulations and Conduct: Discipline. 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.

9.7 **Step 7: Support for the Targeted Student**

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

10. Immunity/Retaliation/False Allegations

No school staff, 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. It is a violation of OP 3215 to threaten or harm someone for reporting harassment, intimidation, or bullying.

It is also a violation of OP 3215 to knowingly report false allegations of harassment, intimidation, and bullying. Students or staff 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.

11. 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 OP 3215 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:

- 11.1 OSPI Equity and Civil Rights Office
360.725.6162
Email: equity@k12.wa.us
www.k12.wa.us/Equity/default.aspx
- 11.2 Washington State Human Rights Commission
800.233.3247
www.hum.wa.gov/index.html
- 11.3 Office for Civil Rights, U.S. Department of Education, Region IX
206.607.1600
Email: OCR.Seattle@ed.gov
www.ed.gov/about/offices/list/ocr/index.html
- 11.4 Department of Justice Community Relations Service
877.292.3804
www.justice.gov/crt/
- 11.5 Office of the Education Ombudsman
866.297-2597
Email: OEOinfo@gov.wa.gov
<http://oeo.wa.gov/>
- 11.6 OSPI Safety Center
360.725-6044
www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx

12. Relationship to Other Laws

This operational procedure (OP 3215) applies only to RCW 28A.300.285 – Harassment, Intimidation and Bullying prevention. There are other laws and operational procedures to address related issues such as sexual harassment or discrimination.

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

- 12.1 RCW 28A.300.285 – Harassment, Intimidation and Bullying
- 12.2 RCW 28A.640.020 – Sexual Harassment
- 12.3 RCW 28A.642 – Prohibition of Discrimination in Public Schools
- 12.4 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 operational procedure (OP 3215) 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.

13. Other District Operational Procedures

Nothing in this operational procedure (OP 3215) is intended to prohibit discipline or remedial action for inappropriate behaviors that do not rise to the level of harassment, intimidation or bullying as defined herein but which are, or may be, prohibited by other district or school rules.

Cross References:

OP 2160 Special Education and Related Services for Eligible Students
 OP 2161 Education of Students with Disabilities Under Section 504 of the Rehabilitation Act of 1973
 OP 3200 Student Rules, Regulations, and Conduct: Discipline
 OP 3201 Student Rules, Regulations and Conduct: Teacher and Staff Rights and Responsibilities
 OP 3210 Nondiscrimination
 OP 3211 Transgender Students
 OP 3215.1XE/S Harassment, Intimidation or Bullying (HIB) Incident Reporting Form
 OP 3215.3XE/S Harassment, Intimidation or Bullying (HIB) Targeted Student Safety Plan
 OP 3216 Sexual Harassment of Students Prohibited
 OP 3441 Child Abuse, Neglect and Exploitation Prevention

Legal References:

RCW 28A.300.285 Harassment, intimidation, and bullying prevention policies and procedures—Model policy and procedure—Training materials—Posting on web site—Rules—Advisory committee.
 RCW 28A.640.020 Sexual Harassment
 RCW 28A.642 Prohibition of Discrimination in Public Schools
 RCW 49.60.010 The Law Against Discrimination
 WAC 392-190-059 Harassment, intimidation, and bullying prevention policy and procedure—School districts.
 WAC 392-190-065 Compliance—Complaint procedure—School district or public charter school.
 WAC 392-190-070 Compliance—Appeal procedure—School district or public charter school.
 WAC 392-190-075 Compliance—Complaint procedure—Office of superintendent of public instruction.
 WAC 392-400-226 School district rules defining harassment, intimidation and bullying prevention policies and procedures—Distribution of rules.

Adoption Dates:

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