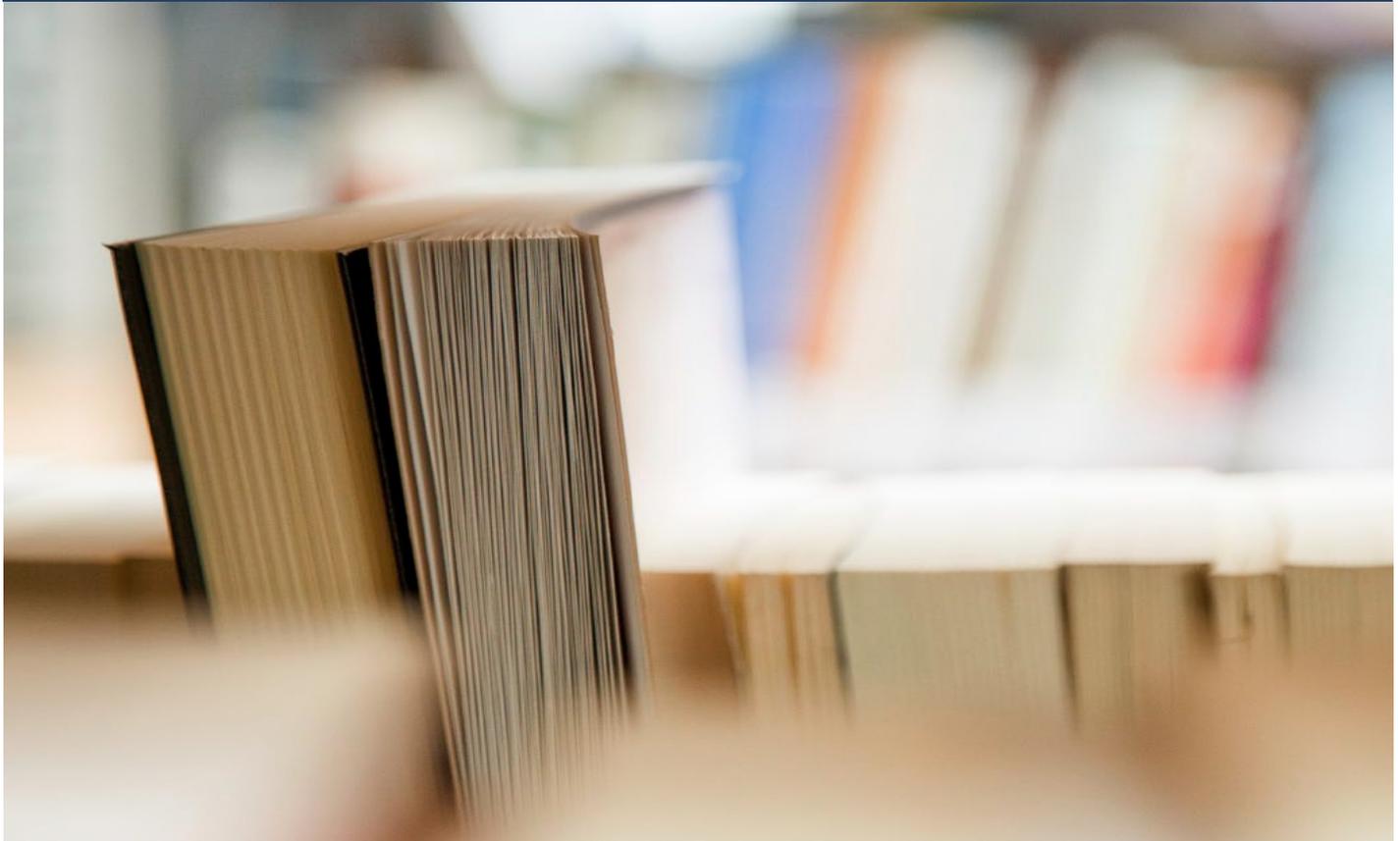


Student Rights and Responsibilities Handbook 2020-2021



Committed to Success for Every Student

Visit us online at www.mukilteoschools.org



Mukilteo School District

Mukilteo School District No. 6
9401 Sharon Drive
Everett, WA 98204
425.356.1274

Mukilteo School District No. 6

Student Rights and Responsibilities Handbook

Disclaimer: This handbook highlights key rights and responsibilities of students and their access to public education. It does not include all School Board policies and procedures, all of which may be found at www.mukilteoschools.org. Board Policies are revised by the School Board, and procedures are revised as necessary.

At the time the district approved this handbook, the district used the most up-to-date information available. However, as revisions are made during the year, the district will post them to the Mukilteo School District website at this link mukilteoschools.org, then select the Students & Families menu option.

Nondiscrimination

Mukilteo School District does not discriminate in any programs or activities on the basis of sex, race, creed, religion, color, national origin, age, veteran or military status, sexual orientation, gender expression or identity, disability, or the use of trained dog guide or service animal and provides equal access to the Boy Scouts and other designated youth groups. The following employees have been designated to handle questions and complaints of alleged discrimination:

Civil Rights Coordinator and Title IX Coordinator Bruce Hobert

(425-356-1319), hobertbl@mukilteo.wednet.edu

Section 504 Coordinator Lisa Pitsch

(425-356-1277), pitschla@mukilteo.wednet.edu

ADA/Access Coordinator Karen Mooseker

(425-356-1330), moosekerkw@mukilteo.wednet.edu

Address: 9401 Sharon Drive in Everett, WA 98204

Inquiries regarding ADA/Access issues at Sno-Isle TECH Skills Center should be directed to Director Wes Allen

(425-348-2220) allenwr@mukilteo.wednet.edu

Address: 9001 Airport Road in Everett, WA 98204

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Philosophy for Students

Mukilteo School District Board of Directors view the school as a place to experience academic and social success. Success contributes to positive student self-esteem which, in turn, translates into positive student behavior. By providing opportunities for students to learn concepts, practice skills, and experience academic success, we create an environment which promotes academic and social success. Our program focuses on developing each student as a competent, self-disciplined learner. This requires learning decision-making skills; thus, our emphasis is on identifying and defining problem behaviors, problem-solving skills and prevention measures. These are built within an atmosphere of self-respect, respect for one another, and respect for the learning environment. School District policies, including rights and responsibilities, and student conduct procedures, are designed to provide boundaries within which individuals find security, yet freedom to develop self-discipline. Emphasis is placed on positive behaviors, growth and behavior-related consequences. It is important for students to be responsible for their actions. Students, parents and staff must simultaneously work to support the rights of students while helping students accept responsibility for their academic and social growth.

Student Rights and Responsibilities

The philosophy and policies of Mukilteo School District respect and protect the general rights of all students and parents. These policies establish certain student rights and corresponding responsibilities within our educational framework.

District Responsibilities

To implement our commitment to the development of student academic and social growth through the process of providing opportunities and developing self-discipline and individual responsibility in a positive way, School District personnel will:

- demonstrate respectful and positive attitudes
- define and consistently hold high academic and behavioral expectations of students
- be consistent and appropriate with students
- maintain the dignity and self-esteem of students
- create an atmosphere of respect for all
- vary the time for learning for students according to the needs of each student and the complexity of the task
- provide opportunities for success in academic and social growth

School District Rules

Mukilteo School District believes that students can learn and can be taught to manage their own behavior. With that belief, the District has established three general rules of conduct that guide the behavior of students:

- students will respect the rights and property of themselves and others
- students will behave in such a manner as to create a positive learning environment
- students will respect the health and safety of others

Individual schools and classrooms may develop more specific rules for students. These rules will also be consistent with Board policy and philosophy. When students do not adhere to these three basic District rules, and the rules of their specific building, the District will use discipline strategies described later in this document. These rules are in effect at all events sponsored by Mukilteo School District, including after-school and off-campus events, and on District transportation and transportation loading areas.

The Positive Approach

In our endeavor to focus on academic and social growth, all staff will follow a process for positively directing students in behavior change at each level of discipline. Our goal is to help students to be responsible, self-disciplined individuals.

Grievance/Complaint Procedures

Grievances/complaints regarding District staff or programs should be directed to the specific staff member or to the school administrator for resolution. If the grievance or complaint is not resolved at the building level, it may be directed to the Superintendent's designee and handled according to Board Policy and Procedures 4312/4312-P. Grievance procedures and appeal processes regarding discipline, short-term and long-term suspension, and expulsion and emergency expulsion are handled in accordance to WAC 392-400 and Board Policy and Procedures 3241 and 3241-P.

Student Attendance

The Mukilteo School District recognizes that the educational process requires a continuity of instruction, active classroom participation and meaningful life experiences. Students must attend school regularly to benefit from these educational cornerstones. Making school attendance a priority may be the biggest factor influencing a student's academic success.

Benefits to Daily Attendance

Regular attendance to school allows a student to keep up with daily classroom activities, lessons, assignments, tests and quizzes, and to complete them on time. Other benefits include:

- **Academic Achievement** – students who attend school regularly are more likely to pass their classes and meet standard on local and state assessments.
- **Opportunities** – students who attend school regularly have opportunities such as access to counselors, access to important information such as SAT and ACT test dates or scholarship information, the ability to participate in field trips, guest speakers and more.
- **Being a member of the school** – students who participate feel a sense of belonging and being a member of something bigger than themselves. They learn teamwork, communication skills, meet others from diverse cultures and acquire other valuable social skills.

When Your Student Misses School

Failure to attend school causes an interruption of instructional activities, some of which cannot be substituted. Failure to attend school regularly may result in the following:

- **Loss of credit** – beginning with the class of 2019, students must earn 24 credits to graduate on time from high school, so every credit counts.
- **Grade reduction** – missing school may mean missing assignments, missing assignment deadlines and/or lower test scores, which may result in lower grades.
- **Removal from class or school** – students who do not attend school regularly risk being removed from a class(es) or from school entirely.
- **Attendance to school is mandatory** – mandatory school attendance is a policy that schools take seriously. Unexcused absences may cause a school to file a Becca Petition with the courts.

What Can Parents Do?

Students and their parents have the responsibility for ensuring that the student attends school regularly as prescribed by the Compulsory Attendance Law of the State of Washington. Strategies to help your student attend school may include:

- **Contact the school immediately** – if your student is going to be absent from school, contact the school immediately, excuse the absence and ask for any missing work/assignments. Make sure to follow the guidelines and attendance policies outlined in each school's student/parent handbook.
- **Help your student get to school on time every day** – the Mukilteo School District has a robust transportation system. If your student is riding the bus, know your pick-up and drop-off times and locations. Coming to school late may make it difficult for your student to stay caught up with the first lessons of the day.
- **Stay informed and involved** — ask your student about their day, how school went, what they have for homework, what activities are coming up and more. Check each night that your child is completing homework assignments, attend parent/teacher conferences, read information that comes home from school, check their grades online, attend school events, and get to know their friends.
- **Promote good health** – make sure your student is eating a balanced diet, getting plenty of exercise and enough quality sleep.
- **Resources** – resources are available if you are having trouble getting your student to school.
 - School personnel – talk with your school's teacher, counselor, administrator, nurse, resource officer, secretary, coach, club advisor and other staff members.
 - Online resources
 - Snohomish County Juvenile Court Department – <http://www.snohomishcountywa.gov/195/Juvenile-Court>
 - OSPI – Graduation: A Team Effort – <https://www.k12.wa.us/student-success/support-programs/reengaging-reducing-dropouts>
 - OSPI – Truancy (Becca Bill) and Compulsory Attendance – <https://www.k12.wa.us/student-success/support-programs/attendance-chronic-absenteeism-and-truancy>

Attendance in the schools of the State of Washington is compulsory from the age of eight (8) to the age of eighteen (18). When a student is sixteen (16) years of age or older, and with parental consent, students in full-time, remunerative occupations and other exceptions under RCW 28A.225.010 need not attend. However, students who enroll obligate themselves to the same attendance regulations which exist for students not covered by exceptions.

Students enrolled in Mukilteo School District will attend all regularly scheduled classes to which they are assigned unless officially excused by administration, the class teacher or designee.

All Mukilteo School District schools have closed campuses during the school day.

WAC 392-401-020 Excused absences – Absences due to the following reasons must be excused:

1. Illness, health condition or medical appointment (including but not limited to medical, counseling, dental, optometry, pregnancy, and in-patient or out-patient treatment for chemical dependency or mental health) for the student or person for whom the student is legally responsible.
2. Family emergency including, but not limited to, a death or illness in the family.
3. Religious or cultural purpose including observance of a religious or cultural holiday or participation in religious or cultural instruction.
4. Court, judicial proceeding, court-ordered activity, or jury service.
5. Post-secondary, technical school or apprenticeship program visitation, or scholarship interview.
6. State recognized search and rescue activities consistent with RCW 28A.225.055.
7. Absence directly related to the student’s homeless or foster care/dependency status.
8. Absence related to deployment activities of a parent or legal guardian who is an active duty member consistent with RCW 28A.705.010.
9. Absences due to suspensions, expulsions or emergency expulsions imposed pursuant to chapter 392-400 WAC if the student is not receiving educational services and is not enrolled in qualifying “course of study” activities as defined in WAC 392-121-197.
10. Absences due to student safety concerns, including absences related to threats, assaults or bullying.
11. Absences due to the student’s migrant status.
12. An approved activity that is consistent with District policy and is mutually agreed upon by the principal or designee and a parent, guardian or emancipated youth.

A school principal or designee has the authority to determine if an absence meets the above criteria for an excused absence. Districts may define additional categories or criteria for excused absences.

WAC 392-401-030 Unexcused absences - Any absence from school is unexcused unless it meets one of the criteria provided in WAC 392-401-020 (listed above).

Students who must leave school during the day must check out through the student office. Students will only be allowed to leave after a note or phone call is received from the parent/guardian. Students who leave without following this procedure will be considered truant. Students returning within the same day must sign in to avoid being marked absent for the remainder of that day.

Students who have been absent from school will be excused following a written or oral communication from the student's parent/guardian, as per building procedures, giving the date of the absence and the reason for missing school. Teachers shall ensure that the students have an admit slip prior to accepting them into class following an absence.

A written or oral communication from the parent/guardian or eligible student for an excused absence must be received within two (2) school days following a return to school, unless other arrangements have been made in accordance with building procedures, or the absence will be unexcused.

Failure to attend may result in loss of credit, grades or removal from class or school.

The District will comply with the terms of the “Becca Bill” in reporting unexcused absences to juvenile court.

Becca Bill - Attendance is important for academic success, and unexcused absences may be an early warning sign for unaddressed problems with school and future dropout. When youth fail to attend school, they are considered truant. [Washington State’s truancy law](#), known as the Becca Bill, requires the school/District and the juvenile court to take specific actions when youth are truant.

School/District Requirements

- After **one** unexcused absence in a month, the school is required to inform the parent in writing or by phone.
- After **three** unexcused absences, the school is required to initiate a parent conference to improve the student's attendance.
- Between the **second** and before the **fifth** unexcused absence the District will take data-informed steps to eliminate or reduce the student’s absences using either the WARNS Assessment for middle/high school students or another assessment approved by the District.
- After **five** unexcused absences in a month, the parent and school must enter a contract to improve the student's attendance, or the case can be referred to a Community Truancy Board or file a petition to juvenile court.
- After **seven** unexcused absences in a month, or ten unexcused absences in an academic year, the School District shall file truancy petitions with the juvenile court.
- If the student is not in compliance with a court order resulting from a truancy petition, the school is required to file a contempt motion. A community truancy board is comprised of members of the local community to address excessive absenteeism and truancy.

Age of Attendance and Compulsory Attendance - Board Policy 3110

Attending the schools of the district shall be recognized as a right and responsibility for those who meet the requirements prescribed by law.

Every resident of the district who satisfies the minimum entry age requirement and is less than 21 years of age has the right to attend the district's schools until he/she completes high school graduation requirements. Children of age 8 and less than age 18 are required by law to attend an approved private or public school unless they are receiving approved home- based instruction. Under certain circumstances children who are 16 years of age or older may be excused from further attendance at school. The Superintendent shall exercise their authority to grant exceptions when they determine that the student:

- A. Is regularly and lawfully employed and either the parent agrees that the child should not be required to attend school, or the child is emancipated in accordance with Chapter 13.64 RCW,
- B. Is attending a residential institution,
- C. Has satisfied graduation requirements in accordance with the State Board of Education rules and regulations, or
- D. Has received a certificate of educational competence in accordance with the rules and regulations of the State Board of Education.

A resident student who has been granted an exception retains the right to enroll as a part-time student and shall be entitled to take any course, receive any ancillary services and take or receive any combination of courses and ancillary services which is offered by a public school to full-time students.

School Records

Mukilteo School District is required by the Family Educational Rights and Privacy Act (FERPA - Sec. 99.7) to provide annual notification of FERPA rights. The District shall maintain those student records necessary for the educational welfare of students, for orderly and efficient operation of schools, and as required by law.

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

1. The right to inspect and review the student's education records within forty-five (45) days of the day the District receives a request for access.

Parents or eligible students should submit to the school principal [or appropriate school official] a written request that identifies the record(s) they wish to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of student's education records that the parent or eligible student believes is inaccurate or misleading.

Parents or eligible students may ask the District to amend a record that they believe is inaccurate or misleading. They should write the school principal; clearly identify the part of the record they want changed and specify why it is inaccurate or misleading.

If the District decides not to amend the record as requested by the parent or eligible student, the District will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the District as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement personnel); a person serving on the School Board; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the District discloses education records without consent to officials of another school district in which a student seeks or intends to enroll. [Note: FERPA requires a school district to make a reasonable attempt to notify the student of the records request unless it states in its annual notification that it intends to forward records on request.]

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202-4605

Withholding Records

A student shall be responsible for the cost of replacing materials or property which are lost or damaged due to negligence. A student's grades, transcripts or diploma may be withheld until restitution is made by payment or the equivalency through voluntary work as agreed to by the District. The student or the student's parents may appeal the imposition of a charge for damages to the Superintendent and Board of Directors.

Student Conduct

Classroom Management, Discipline and Correction Action – Board Policy 3241

"Discipline" means any action taken by the School District in response to behavioral violations. Discipline is not necessarily punitive but can take positive and supportive forms. Data shows that a supportive response to behavioral violation is more effective and increases equitable educational opportunities. The purpose of this policy and accompanying procedure includes:

- Engaging with families and the community and striving to understand and be responsive to cultural context
- Supporting students in meeting behavioral expectations, including providing for early involvement of parents
- Administering discipline in ways that respond to the needs and strengths of students and keeping students in the classroom to the maximum extent possible
- Providing educational services that students need during suspension and expulsion
- Facilitating collaboration between school personnel, students, and parents, and thereby supporting successful reentry into the classroom following a suspension or expulsion
- Ensuring fairness, equity, and due process in the administration of discipline
- Providing every student with the opportunity to achieve personal and academic success
- Providing a safe environment for all students and for District employees

The Superintendent shall establish and make available rules of student conduct, designed to provide students with a safe, healthy, and educationally sound environment. Students are expected to be aware of the District's rules of student conduct,

including behavior standards that respect the rights, person, and property of others. Students and staff are expected to work together to develop a positive climate for learning.

Minimizing Exclusion, Engaging with Families, and Supporting Students

Unless a student's presence poses an immediate and continuing danger to others or an immediate and continuing threat to the educational process, staff members must first attempt one or more other forms of discipline to support students in meeting behavioral expectations before imposing classroom exclusion, short-term suspension, or in-school suspension. Before imposing a long-term suspension or expulsion, the District must first consider other forms of discipline.

These other forms of discipline may involve the use of best practices and strategies included in the State menu for behavior developed under [RCW 28A.165.035](#). The accompanying procedure will identify a list of other forms of discipline for staff use. However, staff members are not restricted to that list and may use any other form of discipline compliant with [WAC 392-400-025\(9\)](#).

School personnel must make every reasonable attempt to involve parents and students to resolve behavioral violations. The District must ensure that associated notices, hearings, conferences, meetings, plans, proceedings, agreements, petitions, and decisions are in a language the student and parents understand; this may require language assistance. Language assistance includes oral and written communication and further includes assistance to understand written communication, even if parents cannot read any language. The District's use of suspension and expulsion will have a real and substantial relationship to the lawful maintenance and operation of the School District including, but not limited to, the preservation of the health and safety of students and employees and the preservation of an educational process that is conducive to learning.

As described in the procedures, the District will offer educational services to students during suspension or expulsion. When the District administers a long-term suspension or expulsion, the District will timely hold a re-engagement meeting and collaborate with parents and students to develop a re-engagement plan that is tailored to the student's individual circumstances in order to return the student to school successfully. Any student who has been suspended or expelled may apply for readmission at any time.

Staff Authority

District staff members are responsible for supervising students during the school day, during school activities, whether on or off campus, and on the school bus. Staff members will seek early involvement of parents in efforts to support students in meeting behavioral expectations. The Superintendent has general authority to administer discipline, including all exclusionary discipline. The Superintendent will identify other staff members to whom the Superintendent has designated disciplinary authority. After attempting at least one other form of discipline, teachers have statutory authority to impose classroom exclusion for behaviors that disrupt the educational process. Because perceptions of subjective behaviors vary and include implicit or unconscious bias, the accompanying procedures will seek to identify the types of behaviors for which the identified District staff may administer discipline.

Ensuring Fairness, Providing Notice, and an Opportunity for a Hearing

When administering discipline, the District will observe all of the student's constitutional rights. The District will notify parents as soon as reasonably possible about classroom exclusion and before administering any suspension or expulsion. The District will provide opportunities for parent participation during an initial hearing with the student. The District will provide parents with written notice, consistent with [WAC 392-400-455](#), of a suspension or expulsion no later than one school business day following the initial hearing. As stated above, language assistance includes oral and written communication and further includes assistance to understand written communication, even if parents cannot read any language. The District has established procedures for review and appeal of suspensions, expulsions, and emergency expulsions, consistent with [WAC 392-400-430 through 392-400-530](#).

The District has also established procedures to address grievances of parents or students related to other forms of discipline, classroom exclusion, and exclusion from transportation or extra-curricular activity. The grievance procedures include an opportunity for the student to share his or her perspective and explanation regarding the behavioral violation.

Development and Review

Accurate and complete reporting of all disciplinary actions, including the behavioral violations that led to them, is essential for effective review of this policy; therefore, the District will ensure such reporting.

The District will periodically collect and review data on disciplinary actions taken against students in each school. The data will be disaggregated into subgroups as required by [RCW 28A.300.042](#), including students who qualify for special education or Section 504. The data review will include classroom exclusion, in-school and short-term suspensions, and long-term suspensions and expulsions. The District should invite school personnel, students, parents, families, and the community to participate in the data review. The purpose of the data review is to determine if disproportionality exists; if disproportionality is found, the District will take action to ensure that it is not the result of discrimination and may update this policy and procedure to improve fairness and equity regarding discipline.

Distribution of Policies and Procedures

The School District will make its discipline policies and procedures available to families and the community. The District will annually provide its discipline policies and procedures to all District personnel, students, and parents, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964. The School District will ensure District employees and contractors are knowledgeable of the discipline policies and procedures.

Off-Campus Intervention

The following are factors for consideration to determine if a school will assume jurisdiction in off-campus incidents:

1. Did the incident occur in whole or in part because of behavior between the parties during the school day?
2. Did the incident occur reasonably close in time to the school dismissal bell?
3. Did the incident occur reasonably close to the school grounds, bus or bus stop?
4. Will the incident disrupt the educational process at the school?
5. The seriousness of the offense.

Bus Transportation

Transportation is available to students whose residences qualify them to ride a bus. Continued ridership is based on a student's safe, respectful and responsible behavior at bus stops and on the bus.

Passenger Conduct

1. Follow the driver's instructions when first requested.
2. Remain safely seated. When available, seat belts must be worn at all times.
3. Keep noise level down; talk to seat partner only.
4. Respect others and their property; keep hands and feet to self.
5. No eating or drinking.
6. Get on/off the bus only at own stop.

7. Enter/exit the bus safely, using the handrail(s).
8. Place backpack on lap while riding the bus.
9. No prohibited items allowed.

Failure to abide by bus conduct guidelines will result in discipline, which may include exclusion from the bus and school disciplinary action.

The following activities may result in immediate withdrawal from the bus:

1. Aggressive action toward bus driver/violence
2. Fighting on the bus
3. Throwing objects in or out of the bus
4. Possession of weapons/dangerous articles
5. Destroying or defacing District or private property
6. Use of sparking devices
7. Smoking, drugs, alcohol or any form of tobacco including e-cigarettes, vaping and/or vaping devices
8. Obscene gestures or profanity directed at the bus driver
9. Any part of the body extended outside of the bus
10. Intimidation/Harassment (Bullying)

The District's Transportation Department will establish and enforce procedures to ensure the safety of the students of the Mukilteo School District.

Exceptional Misconduct

There are categories of behaviors that are considered to be exceptional student misconduct. School authority exists on school property, school bus stops, and during any school activity, function or event when held off the school grounds and/or when student misconduct is taken off campus and/or occurs to/from school and disrupts the educational process. Behaviors such as those described below, because of their impact on the school environment, may result in a suspension, emergency expulsion or expulsion without prior disciplinary interventions.

Academic Dishonesty: Plagiarism is the practice of taking someone else's work or ideas and passing them off as one's own. Academic Dishonesty is defined as any action or attended action that may result in creating an unfair academic advantage for oneself or an unfair academic advantage or disadvantage for any other student. This may include, but not limited to, submitting work of others represented as the student's own; or assisting another student in doing so; distributing, sharing or receiving completed class assignments/tests; using unauthorized sources; cheating on tests, assignments or other schoolwork; altering own or another's grade(s).

Arson/Incendiary Devices: The intentional setting or attempted setting of fire which may include the use of incendiary devices such as a weapon or bomb to start a fire.

Bullying: Stopbullying.gov defines bullying as unwanted, aggressive behavior that involves real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. In order to be considered bullying, the behavior must be aggressive and include an imbalance of power, such as physical strength, access to embarrassing information or popularity to control or harm others. Repetition describes behaviors that happen more than once or have the potential to happen more than once. Bullying includes actions such as making threats, spreading rumors, attacking someone physically or verbally, and excluding someone from a group on purpose.

Disruption of School: Behaviors that substantially disrupt the educational environment or invade the rights of others. Examples may include, but are not limited to: the use of electronic speech such as social media, texting and/or video that occurs off campus when it causes or can be reasonably predicted to cause a substantial disruption to school or a school-sponsored activity; threat of force, violence or related conduct (e.g., bomb threats), or use of noise (e.g., pulling a false fire alarm); protests, walk-outs, sit-ins, or intentionally causing the disruption or obstruction of any function of the Mukilteo School District.

Drugs/Alcohol/Marijuana: The use of alcohol, marijuana, controlled substances and items purported to be alcoholic, marijuana or controlled substances, as well as the intent to sell or the possession of such substances or paraphernalia, are in violation of District policy and will not be tolerated on school grounds or at any function or activity approved, sponsored or supervised by Mukilteo School District. This includes the sale, manufacturing, purchase, transfer, being under the influence of, or showing evidence of (reasonable suspicion of) having used any illicit drug, alcohol, marijuana, marijuana food byproducts, controlled substance, synthetic drugs, look-alike drug/substance purported to be a drug, or misuse of any prescription drug or the misuse of over-the-counter medications.

Students shall not possess, use, transmit, sell, be under the influence of, or show evidence of having used any substances capable of or intended, purported or presumed to be capable of altering a student's mood, perception, behavior or judgment, other than properly used over-the-counter pain relievers and medications prescribed by a licensed health care provider for an individual student. All medications used at school must meet the requirements of Board Policy and Procedures 3416 and 3416-P.

When it is determined a student has broken any school rule regarding drugs, alcohol, marijuana and/or any other substances referenced herein, the parent(s) or guardian(s) and the student will be notified that the school is imposing a long-term suspension or expulsion due to exceptional misconduct. For offenses solely involving paraphernalia, the administrator may impose other forms of discipline. A school administrator will schedule a conference with the student's parent(s) or guardian(s).

If drug and alcohol assessment and treatment are a condition for the student to return to school prior to the end of the exclusion, an administrator will review the referral process. The District shall provide, upon request from the student or the student's parent/guardian, a list of resources for counseling. (Board Policy 3442).

Fraud: Fraud is defined as the wrongful deception intended to result in financial or personal gain and/or as a person or thing intending to deceive others. Conduct of a false nature including, but not limited to, written or electronic means such as using the name of another person or falsifying times, dates, grades, addresses or other educational or personal data.

Extortion, Blackmail, Coercion: Obtaining money or property by violence or threats, or by forcing someone to do something against the student's will by force or threats.

Gambling: Risking something of value in hopes of winning something else of value.

Gang Activity: A student who is enrolled in a public school or an alternative school may be suspended or expelled if the student is a member of a gang and knowingly engaged in gang activity on school grounds. "Gang" is a group which: (a) consists of three or more persons; (b) has identifiable leadership; and (c) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes as defined in RCW 28A.600.455. Gang activity includes, but is not limited to, gang-related apparel and regalia; identifying self as gang related; tagging, gang signs, language; promoting and/or recruiting; showing affiliation, initiation activities, intimidation and/or willing observation.

Harassment: [RCW 28A.600.477](#) defines harassment, intimidation or bullying as any intentionally written message or image-including those that are electronically transmitted-verbal, or physical act, including but not limited to one shown to be motivated by race, color, religion, ancestry, national origin, gender, sexual orientation, including gender expression or identity, mental or physical disability or other distinguishing characteristics, when an act:

- 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

Examples may include (1) hate crimes/hate speech – acts in which victims are selected based on characteristics such as race, national origin, ethnicity, sex/gender, religion, sexual orientation or disability; (2) hazing – any method of initiation into a student organization or group that causes or is likely to cause bodily danger or physical harm, serious mental or emotional harm; (3) racial harassment – written, oral, graphic or physical conduct relating to an individual's race, color or national origin that is sufficiently severe, pervasive or persistent; (4) sexual harassment – unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct directed at a person because of their sex. Examples of sexual harassment include, but are not limited to: unwelcome verbal harassment of a sexual nature or abuse; unwelcome pressure for sexual activity; unwelcome sexually motivated or inappropriate physical contact; unwelcome sexual behavior or words; unwelcome behavior; verbal or written words or symbols directed at an individual because of gender.

See Bullying, Indecency and/or Intimidation/Threats (Board policies 2020, 3214 and 3216).

Illegal Activity: Acts found to be in violation of the law.

Inappropriate Behavior: Those behaviors that are not suitable or proper for a school setting and impede the educational rights of others to learn. Examples include, but are not limited to, physical aggression (hitting, kicking, pushing, spitting and biting); object aggression (throwing, breaking, knocking over objects); verbal aggression (any language verbal or non-verbal, directed at someone in a threatening or harmful manner, which may include obscene gestures); video/recording someone without permission; and/or written/artistic/graphic expression not appropriate for school or may meet the definition of harassment, intimidation or bullying.

Indecency: Use of obscene or profane language either verbal or non-verbal, acts of vulgarity, indecent exposure and/or excessive public displays of affection; use of any electronic device for improper or illegal purposes (examples include, but are not limited to, sexting, sharing indecent images, pictures or videos). Students in possession of indecent images of anyone under the age of 18 are considered to be in possession of child pornography. See Harassment.

Interference with School Authorities: Interfering with school personnel in the performance of their duties. This may include repeated failure to comply with or follow reasonable requests by law enforcement, teachers and/or staff. This may also include, but is not limited to, non-compliance, defiance, disrespect, and/or making false official statements.

Intimidation/Threats: Implied or overt threats of physical violence. Conduct or communication that (1) is intended to be harmful, humiliating or physically threatening and (2) shows hostility toward a person or persons which may include both verbal and non-verbal communication including “posturing.” See Harassment, Bullying.

Intimidation of School Authorities: Interfering with school personnel by threatening them, either overtly or implied, during the performance of their duties, which may include both verbal and non-verbal communication including “posturing.”

Inappropriate/Malicious Use of Electronic Information Systems: (Board Policy and Procedures 2314/2314-P) See “Acceptable Use of Electronic Information Systems” section.

Physical Injury/Fighting/Assault: Causing, or attempting to cause, physical injury or behaving in such a way as could reasonably cause physical injury to any person. This includes, but is not limited to: fighting, instigating a fight and/or assault, and/or encouraging a fight in any manner including congregation, video recording, planning a fight, being a willing observer and/or failure to reveal prior knowledge of a fight to an administrator/designee. Assault is defined as meaning to inflict great bodily harm.

Theft: Taking, removing and/or being in possession of School District property or the property of others without permission.

Tobacco/Vaping/Juuling: Possession, use, distribution, intent to sell, or sale of tobacco/vaping/juuling products. Tobacco includes, but is not limited to, cigarettes, cigars, lighters, snuff, smoking tobacco, smokeless tobacco, nicotine, nicotine-delivering devices, electronic cigarettes and/or tobacco accessories, vaping and vaping products, juul, e-cigarette and/or pod-style devices. (Board Policy 4335).

Trespass: Being present in an unauthorized place or refusing to leave when ordered to do so or the unauthorized entry into the District computer and/or record systems (ex: hacking into a computer). Being on School District property or at school sponsored activities, without administrator permission, while on suspension/expulsion from school and/or violating a no-trespass order.

Vandalism: Causing or attempting to cause damage to property of others and/or school, District property, including District websites or media sources.

Dangerous Weapons: 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. Per RCW 9.41.280, it is unlawful for a person to carry onto, or possess on, public or private elementary or secondary school premises, school provided transportation, or areas of facilities while being used exclusively by public or private schools:

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

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

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

Students who violate this policy may be guilty of a gross misdemeanor. Students who violate this policy, may constitute grounds for expulsion. School authority will notify law enforcement and parent/guardians.

Students who have possessed a firearm 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.

Procedures for Appeal, Readmission and Re-Engagement During Suspension or Expulsion

Appeal, Readmission and Re-engagement

Students/parents may appeal any suspension or expulsion from school. Grievance and appeal procedures are stated on each suspension/expulsion notice and can also be found in Board Procedures 3241-P.

Readmission

Students who have been suspended or expelled may make a written request for readmission to the District at any time. If a student desires to be readmitted at the school from which they have been suspended/expelled, the student will submit a written application to the principal, who will recommend admission or non-admission. If a student wishes admission to another school, they will submit the written application to the Superintendent. The application will include:

- The reasons the student wants to return and why the request should be considered;
- Any evidence that supports the request; and
- A supporting statement from the parent or others who may have assisted the student.

The Superintendent will advise the student and parent of the decision within seven (7) school days of the receipt of such application.

Re-Engagement Plan

The District will collaborate with the student and parents to develop a culturally sensitive and culturally responsive re- engagement plan tailored to the student’s individual circumstances to support the student in successfully returning to school. In developing a re-engagement plan, the District must consider:

- The nature and circumstances of the incident that led to the student’s suspension or expulsion;
- As appropriate, students’ cultural histories and contexts, family cultural norms and values, community resources and community and parent outreach;
- Shortening the length of time the student is suspended or expelled;
- Providing academic and nonacademic supports that aid in the student’s academic success and keep the student engaged and on track to graduate; and
- Supporting the student’s parents, or school personnel in taking action to remedy the circumstances that resulted in the suspension or expulsion and preventing similar circumstances from recurring.

The District must document the re-engagement plan and provide a copy of the plan to the student and parents. The District must ensure both the re-engagement meeting and the re-engagement plan are in a language the student and parents understand.

Exceptions for Protecting Victims

The District may preclude a student from returning to the student’s regular educational setting following the end date of a suspension or expulsion to protect victims of certain offenses as follows:

- A student committing an offense under RCW 28A.600.460(2), when the activity is directed toward the teacher, shall not be assigned to that teacher’s classroom for the duration of the student’s attendance at that school or any other school where the teacher is assigned;
- A student who commits an offense under RCW 28A.600.460(3), when directed toward another student, may be removed from the classroom of the victim for the duration of the student's attendance at that school or any other school where the victim is enrolled.

Nondiscrimination

Nondiscrimination – Board Policy 3210

The District shall provide equal educational opportunity and treatment for all students in all aspects of the academic and activities program without regard to race, religion, creed, color, national origin, age, honorably-discharged veteran or military status, sex, sexual orientation, including gender expression or identity, marital status, nonprogram-related physical, sensory, mental disabilities, or the use of a trained dog guide or service animal by a person with a disability. The District will provide equal access to school facilities to the Boy Scouts of America and all other designated youth groups listed in Title 36 of the United States Code as a patriotic society. District programs will be free from sexual harassment. Auxiliary aids and services will be provided upon request to individuals with disabilities.

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

The District’s nondiscrimination statement will be included in all written announcements, notices, recruitment materials, employment applications, and other publications made available to all students,

parents or employees. The statement will include: 1) notice that the District will not discriminate in any programs or activities on the basis of any of the above-listed categories; 2) the name and contact information of the District's civil rights 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 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.

The Superintendent will designate a staff member to serve as the civil rights compliance officer for this policy. The compliance officer will be responsible for investigating any discrimination complaints communicated to the District. The Superintendent shall designate a staff member to serve as affirmative action/Title IX compliance officer.

Accessibility

The District recognizes the needs of students with disabilities, as defined by the Americans with Disability Act (ADA) to have access to all school facilities and programs. The District shall comply with state and federal accessibility regulations for its facilities. The Superintendent shall designate a staff member to serve as the District's ADA Coordinator.

Nondiscrimination – Procedures 3210-P

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 (Board Policy 3210) and more particularly to policies dealing with guidance and counseling (Board Policy 2140), co-curricular program (Board Policy 2150), service animals in schools (Board Policy 3212) and curriculum development and adoption of instructional materials (Board Policy 2120). 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 (20th) calendar day following the

filing of the written notice of appeal, unless otherwise agreed to by the complainant and the Superintendent or for good cause. Both parties shall be allowed to present such witnesses and testimony as the Board deems relevant and material. Unless otherwise agreed to by the complainant, the Board will render a written decision within thirty (30) calendar days following the filing of the notice of appeal 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 Office of 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 Office of 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 (OSPI) may initiate an investigation, which may include conducting an independent on-site review. OSPI may also investigate additional issues related to the complaint that were not included in the initial complaint or appeal to the Superintendent or Board. Following the investigation, OSPI will make an independent determination as to whether the District has failed to comply with RCW 28A.642.010 or Chapter 392-190, WAC and will issue a written decision to the complainant and the District that addresses each allegation in the complaint and any other noncompliance issues it has identified. The written decision will include corrective actions deemed necessary to correct noncompliance and documentation the District must provide to demonstrate that corrective action has been completed.

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

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

Level Four: Administrative Hearing

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

C. Mediation

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

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

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

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

D. Preservation of Records

The files containing copies of all correspondence relative to each complaint communicated to the District and the disposition, including any corrective measures instituted by the District, will be retained in the office of the compliance officer for a period of six years.

Gender-Inclusive Schools – Board Policy 3211

The Board believes in fostering an educational environment that is safe and free of discrimination for all students, regardless of gender identity or gender expression or sex. To that end, the Board recognizes the importance of an inclusive approach toward transgender and gender-expansive students with regard to official records, confidential health and education information, communication, restroom and locker room use and accessibility, sports and physical education, dress codes and other school activities, in order to provide these students with an equal opportunity for learning and achievement.

This policy 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. Specific training requirements are included in the accompanying procedure. The Superintendent will appoint a primary contact to receive copies of all formal and informal complaints and

ensure policy implementation. The name and contact information for the compliance officer will be communicated throughout the District. The District compliance officer will participate in at least one mandatory training opportunity offered by the Office of the Superintendent of Public Instruction (OSPI).

This policy and its procedure will support that effort by facilitating District compliance with local, state and federal laws concerning harassment, intimidation, bullying and discrimination.

Service Animals – Board Policy 3212

The District acknowledges its responsibility to permit students and/or adults with disabilities to be accompanied by a "service animal" as required by federal laws and Washington State's law against discrimination. This policy governs the presence of service animals in the schools, on school property, including school buses and at school activities.

A "service animal" means any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by the service animal must be directly related to the individual's disability.

Examples of work or tasks include, but are not limited to the following:

- Assisting individuals who are blind or have low vision with navigation and other tasks,
- Alerting individuals who are deaf or hard of hearing to the presence of people or sounds,
- Providing nonviolent protection or rescue work,
- Pulling a wheelchair,
- Assisting an individual during a seizure,
- Alerting an individual to the presence of allergens,
- Retrieving items, such as medicine or phone,
- Providing physical support and assistance with balance and stability to individuals with mobility disabilities, and
- Helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks.

It is a civil infraction to misrepresent an animal as a service animal. A student's parent/guardian who believes the student needs to bring a service animal to school must submit a written request to the building principal. The building principal, in consultation with the Section 504 Coordinator or Director of Special Education, as appropriate, and consistent with the procedures developed herein, will determine whether or not to permit and/or restrict use of the service animal in school, on school property or at school activities.

The Superintendent shall adopt procedures for implementation of this policy.

Sexual Harassment/Student – Board Policy-3214

Statement of Policy

The Mukilteo School District is committed to a positive and productive learning environment free of 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.

The District prohibits harassment of its students, whether committed by a permanent or substitute employee, contractor, parent, volunteer, vendor, other student or Board member. The District will not tolerate sexual harassment between members of the same or opposite sex as it undermines the integrity of the educational environment.

Definitions

For the purpose 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” may include:

- acts of sexual violence;
- unwelcome sexual or gender-directed conduct or communication that interferes with an individual's education 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 informally.

Allegations of criminal misconduct will be reported to law enforcement and suspected child abuse will be reported to law enforcement or Child Protective Services. Regardless of whether the misconduct is reported to law enforcement, school staff will promptly investigate to determine what occurred and take appropriate steps to resolve the situation, to the extent that such investigation does not interfere with an ongoing criminal investigation. A criminal investigation does not relieve the District of its independent obligation to investigate and resolve sexual harassment.

Engaging in sexual harassment will result in appropriate discipline or other appropriate sanctions against offending 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 Accusations

The District prohibits any overt or covert retaliation against any student because he or she has made a report of alleged sexual harassment, or against any student who has or will be called to testify, assist or participate in the investigation of a report.

Retaliation includes, but is not limited to, any form of intimidation, reprisal, or adverse pressure. Retaliation is a violation of federal and state laws and regulations prohibiting harassment.

False and frivolous charges refer to cases where the complainant is using a harassment complaint to accomplish some end other than stopping harassment. It does not refer to charges made in good faith that cannot be proven. Due to the seriousness of the consequences for the accused, any complaint which after investigation is found to be fabricated, will result in disciplinary action.

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 timelines 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 Officer and provide contact information, including the Officer's email address.

Internal Review

The Title IX Officer shall conduct an annual review of the utilization and implementation of this policy to review its effectiveness. This review will be forwarded to the Superintendent and/or his/her designee. The Title IX Officer shall recommend any changes in the District policy and/or procedures to the Superintendent.

The Board of Directors hereby authorizes the Superintendent to develop and implement procedures for this policy.

Sexual Harassment/Student – Procedures 3214-P

The procedure is intended to set forth the requirements of Policy 3214, 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 3214, the District will provide annual notice to employees that complaints pursuant to this procedure may be filed at:

Mukilteo School District Title IX Compliance Officer 9401 Sharon Drive
Everett, WA 98204

Staff Responsibilities

In the event of an alleged sexual assault, the school principal will immediately inform: 1) the Title IX/Civil Rights Compliance Officer so that the District can appropriately respond to the incident consistent with its own grievance procedures; and 2) law enforcement. The principal will notify the targeted 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 Compliance Officer, Bruce Hobert, Assistant Superintendent, for evaluation.

The Title IX Compliance Officer, Bruce Hobert, Assistant Superintendent, 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 harassment in the educational environment. Informal reports may be made to any staff member or administrator. 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 Bruce Hobert, Title IX Compliance Officer, (425-356-1319, hobertbl@mukilteo.wednet.edu). Additionally, staff shall inform an appropriate administrator when they receive a complaint 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/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;
- Develop a safety plan;
- Separating students;
- Providing staff and/or student training; or
- Discipline of the harasser if warranted by the circumstances.

If a student believes that an adult staff member is harassing him/her, the student should report the harassment to an administrator and the complaint will be investigated as a formal complaint.

Informal complaints may become formal complaints at the request of the student or parent/guardian of the student, 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

All formal complaints must be in writing and set forth the specific acts, conditions or circumstances alleged to have occurred and constitute sexual harassment. The Title IX Compliance Officer may draft the complaint based on the report of the complainant for the complainant to review and approve. The Superintendent or Title IX Officer may also conclude that the District needs to conduct an investigation based on information in his or her possession, regardless of the complainant's interest in filing a formal complaint.

Complaints may be submitted by mail, fax, e-mail or hand-delivery to the District Title IX Officer, Bruce Hobert, Assistant Superintendent at 9401 Sharon Drive, Everett, WA 98204, (425) 356-1319 and

Hobertbl@mukilteo.wednet.edu. Any District employee who receives a complaint that meets these criteria will promptly notify the office.

Investigation and Response

The Title IX Officer will receive and investigate all formal, written complaints of sexual harassment or information in the officer's possession that they believe requires further investigation. The Officer will delegate his or her authority to participate in this process if such action is necessary to avoid any potential conflicts of interest. Upon receipt of a complaint, the Officer will provide the complainant a copy of this procedure.

Investigations will be carried out in a manner that is adequate in scope, reliable and impartial. During the investigation process, the complainant and accused party or parties, if the complainant has identified an accused harasser(s), will have an equal opportunity to present witnesses and relevant evidence. Complainants and witnesses may have a trusted adult with them during any District-initiated investigatory activities. The School District and complainant may also agree to resolve the complaint in lieu of an investigation. When the investigation is completed, the Officer 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 the Board of Directors Notice of Appeal and Hearing

In the event a complainant remains aggrieved with the decision of the Superintendent, the complainant may appeal the decision to the Board of Directors by filing a written notice of appeal with the Secretary of the Board on or before the tenth calendar day following the date upon which the complainant received the Superintendent's response.

The Board shall schedule a hearing to commence by the twentieth (20th) calendar day following the filing of the written notice of appeal, unless otherwise agreed to by the complainant and the Superintendent or for good cause. Both parties 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 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 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 Office of the Superintendent of Public Instruction.
- A complaint must be received by the Office of 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 (OSPI) 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 act 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 | <https://www.hhs.gov/ocr/index.html>

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 using 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 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.

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, shall be retained in the office of the Title IX Compliance Officer for a period of six (6) years.

Nothing in Policy 3214 or these procedures should be construed to prevent any individual who believes that he or she has been subjected to harassment from filing a complaint with any other agency or entity with jurisdiction to review such matters.

The complaint and investigation will be handled in a confidential matter to the extent reasonably possible.

Prohibition of Harassment, Intimidation & Bullying – Board Policy 3216

A. Statement of Policy

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

B. Definitions

"Harassment, intimidation or bullying" means any intentionally written message or image — including those that are electronically transmitted, — a verbal, or physical act, including, but not limited to, one shown to be motivated by any characteristic in 28A.640.010 and 28A.642.010, or other distinguishing characteristics, when an act:

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

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

"Other distinguishing characteristics" can include but are not limited to: physical appearance, clothing or other apparel, socioeconomic status, and weight. "Intentional acts" refers to the individual's choice to engage in the act rather than the ultimate impact of the action(s).

C. Behaviors/Expressions

This policy recognizes that “harassment,” “intimidation,” and “bullying” are separate but related behaviors. Each must be addressed appropriately. The accompanying procedure differentiates the three behaviors; however, this differentiation should not be considered part of the legal definition of these behaviors.

Harassment, intimidation or bullying can take many forms including, but not limited to, slurs, rumors, jokes, innuendoes, demeaning comments, drawings, cartoons, pranks, gestures, physical attacks, threats or other written, oral, physical or electronically transmitted messages or images including, but not limited to, posts on social networking sites.

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.

D. Training

This policy is a component of the District's responsibility to create and maintain a safe, civil, respectful and inclusive learning community and shall be implemented in conjunction with comprehensive training of staff and volunteers, including education of students in partnership with families and the community. Specific training requirements are included in the accompanying procedures.

E. Prevention

The District will provide students with strategies aimed at preventing harassment, intimidation and bullying, and will seek assistance from families, law enforcement and other community agencies as available.

F. 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.

G. 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 aggressor or target of harassment, intimidation or bullying, the school will convene the student's IEP or Section 504 team to determine whether the incident had an impact on the student's ability to receive a Free, Appropriate Public Education (FAPE). The meeting will occur regardless of whether the harassment, intimidation or bullying incident was based on the student's disability. During the meeting, the team will evaluate issues such as the student's academic performance, behavioral issues, attendance, and participation in extracurricular activities. If a determination is made that the student is not receiving a FAPE as a result of the harassment, intimidation or bullying incident, the district will take action to ensure the student receives a FAPE.

H. 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, or participating in an investigation. 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.

I. 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 District compliance office will participate in at least one mandatory training opportunity offered by the Office of the Superintendent of Public Instruction (OSPI).

Prohibition of Harassment, Intimidation & Bullying – Procedure 3216-P

A. Introduction

The Mukilteo 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, gender expression, gender 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, intimidation, or bullying, 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, or 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.

Retaliation occurs when an individual is intimidated, threatened, coerced, or discriminated against for reporting harassment, intimidation, or bullying, or participating in an investigation.

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. Behaviors/Expressions

“Harassment,” “intimidation,” and “bullying” are separate but related behaviors. Each must be addressed appropriately. Although this procedure differentiates the three behaviors, this differentiation should not be considered part of the legal definition of these behaviors. Harassment refers to any malicious act, which causes harm to any person's physical well-being. It can be discriminatory harassment, malicious harassment, or sexual harassment. Intimidation refers to implied or overt threats of physical violence. Bullying refers to unwanted aggressive behavior(s) by another youth or group of youths that involves an observed or perceived power imbalance and is repeated multiple times or is highly likely to be repeated. Bullying may inflict harm on the targeted youth including physical or educational harm. Bullying can also occur through technology and is called electronic bullying or cyberbullying.

D. Relationship to Other Laws

This procedure applies only to [RCW 28A.600.477 Prohibition of harassment, intimidation, and bullying](#). 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 Equality](#)
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 the District from taking action to remediate harassment or discrimination based on a person's membership in a legally protected class under local, state, or federal law.

E. Prevention

1. Dissemination

In each school and on the District's website the District will prominently post information on reporting harassment, intimidation, or 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 schools, the District Office, and/or hallways; or is posted on the District's website.

Additional distribution of the policy and procedure is subject to the requirements of chapter 392-405 WAC.

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 process.

3. Training

The District Compliance Officer will participate in at least one mandatory training opportunity offered by OSPI. Staff will receive annual training on the School District's policy and procedure, including at a minimum, 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.

F. Compliance Officer

The District Compliance Officer will:

1. Serve as the District's primary contact for harassment, intimidation, or bullying. If the allegations in a written report of harassment, intimidation, or bullying indicate a potential violation of Board Policy 3216, the District staff member who receives the report must promptly notify the District Compliance Officer;

2. Provide support and assistance to the principal or designee in resolving complaints;
3. Receive copies of all Incident Reporting Forms, discipline Referral Forms, and letters to parents providing the outcomes of investigations;
4. Communicate with the School District's designated civil rights compliance coordinator. If a written report of harassment, intimidation, or bullying indicates a potential violation of the District's nondiscrimination Board Policy 3210, or if during the course of an investigation, the District becomes aware of a potential violation of the District's nondiscrimination policy, the compliance officer must promptly notify the District's civil rights compliance coordinator. At that time, the compliance officers must promptly notify the complainant that their complaint will proceed under both this policy/procedure and the nondiscrimination policy/procedure. The investigation and response timeline for the nondiscrimination procedure begin when the School District knows or should have known that a written report or investigation or Harassment, Intimidation, or Bullying involves a potential violation of the District's nondiscrimination policy;
5. 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;
6. Ensure implementation of the policy and procedure by overseeing the investigative processes, including ensuring that investigations are prompt, impartial, and thorough;
7. Assess the training needs of staff and students to ensure successful implementation throughout the District, and ensure staff receive annual fall training;
8. Provide the OSPI School Safety Center with notification of policy or procedure updates or changes on an annual basis; and
9. 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: <https://www.k12.wa.us/student-success/health-safety/school-safety-center>

G. 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, other than tracking, to ensure they are not repeated.

H. Filing an Incident Reporting Form

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

Any student or students who believe they have 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.

I. Addressing Harassment, Intimidation, or 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, use online reporting processes, 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.

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.

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 (<https://www.k12.wa.us/student-success/health-safety/school-safety-center/safety-planning-toolkit>) for the student(s) involved.

If, during the course of an investigation, the District employee conducting the investigation becomes aware of a potential violation of the Board's nondiscrimination 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 392-190-065 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, or 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 the 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 HIB compliance officer.

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 [Board Policy 3241](#)- Classroom Management, Discipline, and Corrective Action. 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

- a. 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.
- b. 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.
- c. 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 [Board Policy 3241](#) - Classroom Management, Discipline, and Corrective Action.

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, the School District 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.

J. 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.

K. Other Resources

Students and families should use the District's complaint and appeal procedures as a first response to allegations of harassment, intimidation, or bullying. However, nothing in this procedure prevents a student, parent/guardian, school, or the 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 (for discrimination complaints) 360.725.6162 [Email: equity@k12.wa.us](mailto:equity@k12.wa.us)
- <https://www.k12.wa.us/policy-funding/equity-and-civil-rights>
- Washington State Human Rights Commission 800.233.3247 www.hum.wa.gov/index.html
- Office for Civil Rights, U.S. Department of Education, Region IX 206.607.1600 Email: OCR.Seattle@ed.gov www.ed.gov/about/offices/list/ocr/index.html
- Department of Justice Community Relations Service 877.292.3804
- www.justice.gov/crt/
- Office of the Education Ombuds 866.297-2597
- Email: OEOinfo@gov.wa.gov <http://oeo.wa.gov/>
- OSPI Safety Center 360.725-6044

- <https://www.k12.wa.us/student-success/health-safety/school-safety-center>

L. 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.

Freedom of Expression – Board Policy 3220

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

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

Student Publications- Board Policy 3221

Student publications produced as part of the school's curriculum or with the support of the associated student body fund are intended to serve both as vehicles for instruction and student communication. They are operated and substantively financed by the District.

Material appearing in such publications should reflect all areas of student interest, including topics about which there may be controversy and dissent. Controversial issues may be presented provided that they are treated in depth and represent a variety of viewpoints. Such materials may not be libelous, obscene or profane; cause a substantial disruption of the school; invade the privacy of others; demean any race, religion, sex, or ethnic group; or advocate the violation of the law or advertise tobacco products, liquor, illicit drugs, or drug paraphernalia.

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

Distribution of Materials – Board Policy 3222

Publications or other material written by students may be distributed on school premises in accordance with procedures developed by the Superintendent. Such procedures may impose limits on the time, place, and manner of distribution including prior authorization for the distribution or circulation of substantial quantities of printed material or the posting of such material on school property.

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

Freedom of Assembly – Board Policy 3223

Individual students and student organizations may meet in school rooms or auditoriums, or at outdoor locations on school grounds, to discuss, pass resolutions and take other lawful action respecting any matter

which directly or indirectly concerns or affects them, whether or not it relates to school. Such activities shall not be permitted to interfere with the normal operation of the school.

Peaceful demonstrations are permissible, though they are to be held in designated places where they shall present no hazards to persons or property and at designated times that shall not disrupt classes or other school activities.

Searches of Students and Personal Property – Board Policy 3231

A student, and his/her personal property, locker and/or automobile, may be searched by school officials if an individualized reasonable suspicion exists that the search will yield evidence of a student's violation of the law or school rules governing student conduct. The principal or assistant principal shall have an additional administrator or staff member present during the search.

- A. Any student search must be reasonably related to the discovery of contraband or other evidence of a student's violation of the law or school rules.
For the purpose of this policy, "contraband" means items, materials, or substances the possession of which is prohibited by law or District policy, including but not limited to, controlled substances, alcoholic beverages, tobacco products, or any object that can reasonably be considered a firearm or weapon.
- B. Staff shall conduct searches in a manner which is not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.
- C. Staff may only search a student's automobile if it is parked on school property.
- D. No student shall be subject to a strip search or body cavity search by school staff.
- E. No student shall be subject to a search by a drug/alcohol detection dog without an individualized reasonable suspicion that the student is under the influence or in possession of a controlled substance or alcohol.
- F. Canine detection inspections may be used before, during and after the school day and at school events, for general campus inspections including but not limited to classrooms, student lockers, gym lockers, desks, school parking areas and automobiles parked on school property. Any such inspections will be conducted in the presence of school personnel by a properly trained and certified dog and dog handler.
- G. No student shall be subject to an alcohol/drug screen test including but not limited to an Alco Screen stick or breathalyzer unless there is an individualized reasonable suspicion that the student is under the influence of a controlled substance or alcohol. If a student refuses to cooperate with the administration of an alcohol screen test, staff may proceed with appropriate discipline based on all other available evidence.
- H. If a student refuses to cooperate with any search, the student may be disciplined for failing to cooperate with and following directives of the school administrator.

Locker Searches – Board Policy 3232

Students may be assigned lockers for storing and securing their books, school supplies, and personal effects. Lockers, desks, and storage areas are the property of the School District. No right nor expectation of privacy exists for any student as to the use of any locker issued or assigned to a student by the school.

No student may use a locker, desk, or storage area as a depository for any substance or object which is prohibited by law or school rules or which poses a threat to the health, safety or welfare of the occupants of the school building or the building itself.

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

All student lockers may be searched at any time without prior notice and without reasonable suspicion that the search will yield evidence of any particular student's violation of the law or school rules. If the school official conducting such a search develops a reasonable suspicion that any container inside the locker, including but not limited to a purse, backpack, gym bag, or an article of clothing, contains evidence of a student's violation of the law or school rules, the container may be searched according to board policy governing personal searches.

Students & Telecommunication Devices – Board Policy 3245

Students in possession of telecommunications devices including but not limited to pagers, beepers, cellular phones, smart phones, and other related personal electronic communication devices (“Telecommunication Devices”) shall observe the following conditions:

- A. Telecommunication Devices shall be turned on and operated only before and after the regular school day unless (a) an emergency situation exists that involves imminent physical danger, (b) otherwise authorized by a school administrator or (c) otherwise authorized by school rules.
- B. Students shall not use Telecommunication Devices in a manner that poses a threat to academic integrity, disrupts the educational learning environment, harasses/bullies/threatens other students or invades the privacy rights of others.
- C. Students shall not send, share, view or possess pictures, text messages, emails or other material of sexually explicit conduct, as defined by RCW 9.68A.011, in electronic or any other form on a cell phone or other electronic device, while the student is on school grounds, at school sponsored events or on school buses or vehicles provided by the District.
- D. Students who violate this policy will be subject to disciplinary action and may lose the privilege of bringing Telecommunication Devices onto District property.
- E. An administrator may search a Telecommunication Device when the administrator has a reasonable individualized suspicion that a search of the Telecommunication Device will reveal a violation of this policy, other District/school rules or illegal activity.
- F. The administrator may confiscate the Telecommunication Device if evidence exists of a violation of this policy, other District/school rules or illegal activity. If confiscated, a Telecommunication Device shall be returned to the student after the end of the school day or the student's parent/guardian consistent with school rules. Content or images that may violate state or federal laws will be referred to law enforcement.
- G. Students are responsible for a Telecommunication Device brought to school. The District shall not be responsible for loss, theft or destruction of a Telecommunication Device brought onto District property.
- H. Students shall comply with any additional rules developed by an individual school for the appropriate use of Telecommunication Devices.

Use of Isolation, Restraint and Reasonable Force – Board Policy 3246

It is the policy of the Board of Directors that the District maintains a safe learning environment while treating all students with dignity and respect. All students in the District will remain free from the unreasonable use of force.

District staff may use reasonable force, restraint or isolation only when necessary to control spontaneous behavior that poses an imminent likelihood of serious harm to the acting student, to another person or to the property of others. District staff shall employ the least amount of force, restraint or isolation appropriate to protect the safety of students and staff and shall discontinue the use of force, restraint or isolation as soon as the likelihood of serious harm has dissipated.

Physical force, restraint or isolation is reasonable when needed to prevent or minimize an imminent and substantial risk of bodily injury to self or others. If de-escalation interventions have failed or are inappropriate, reasonable physical or restraint force may be used to protect District property from substantial loss or damage.

A restraint device may only be utilized by a school resource officer. Use of a restraint device by a school resource officer is reasonable only if the student's spontaneous behavior poses an imminent likelihood of serious harm to the acting student, to another person or to the property of others.

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

Physical force, restraint, or isolation will not be used as a form of discipline or punishment.

Parents or guardians of students with whom the school is considering the use of restraint or isolation as a planned behavior intervention under the Individuals with Disabilities Education Act [IDEA] and students whose Section 504 plan will contain the use of restraint or isolation will be provided a copy of the District's use of isolation, restraint, restraint devices, and reasonable force policy. The superintendent will develop procedures to implement this policy.

Notification of Threats of Violence or Harm – Board Policy 3446

Students and school employees who are subjects of threats of violence or harm shall be notified of the threats in a timely manner. Parents shall be included in notifications to students who are subjects of threats of violence or harm. If there is a specific and significant threat to the health or safety of a student or other individuals, the District may choose to disclose information from education records to appropriate parties whose knowledge of the information is necessary. Timing and details of the notice will be as extensive as permitted by the federal Family Educational Rights and Privacy Act (FERPA), other legal limitations, and the circumstances.

"Threats of violence or harm" means direct or indirect communication by any means of the intent to inflict physical harm upon a specific individual or individuals or that place a person in fear of the imminent likelihood of serious harm. Individual-directed threats of violence or harm are communications that create fear of actual physical harm to a specific individual or individuals, communicated directly or indirectly by any means. Building-directed threats of violence or harm are direct or indirect communications by any means of the intent to cause damage to a school building or school property (e.g., bomb threats).

The District will assess and address potential threats of violence or harm in a manner consistent with the District's threat assessment policy, other safety policies, and comprehensive safe school plans.

Persons found to have made threats of violence or harm against District property, students, employees or others will be subject, if applicable, to relevant district discipline policies and/or be referred to appropriate community agencies including law enforcement and mental health services. District staff will work with in-district and community-based professional and services in all relevant areas of expertise to address threats of violence or harm, those threatened, and those making the threats. Necessary information about the person making the threat will be communicated by the principal to teachers and staff, including security personnel.

State law provides the District, School District Directors and District staff with immunity from liability for providing notice of threats in good faith. Persons who make a knowingly false notification of a threat are subject to appropriate district discipline policies and may be referred for prosecution.

Co-Curricular Programs –Board Policy 2150

The Board recognizes that the goals and objectives of the District can best be achieved by providing a broad offering of purposeful learning experiences, some of which are more appropriately conducted outside of the approved curriculum of the District. Such activities will ordinarily be conducted wholly or partly outside the regular school day and will be available to all students who voluntarily elect to participate. The co-curricular program encompasses approved curriculum-related activities.

The District will not exclude any person from participation in the co-curricular program, deny any person the benefits of such a program or otherwise discriminate against any person in any co-curricular program on the basis of the categories identified in the District’s Nondiscrimination policy.

The Board will approve all activities included within the Associated Student Body (ASB) program. The principal is authorized to approve curriculum-related activities that are not part of the ASB program and will make school facilities available for them and designate staff members to support and supervise them.

The criteria to be used by the principal for approving curriculum-related activities are:

- A. The purpose and/or objectives will be part of a specific program or course offering;
- B. The participating students will be currently enrolled in a related course or program or possess the entry level knowledge and/or skills to successfully participate in the activity;
- C. The group will be supervised by a qualified staff member;
- D. The cost of the activity must not be prohibitive to student or District;
- E. The activity must comply with Title IX requirements;
- F. All activity must take place on school premises unless approved in advance by the school principal; and,
- G. The activity must not be secretive in nature.

Curriculum-related activities, whether approved by the Board as part of the ASB or by the principal, must meet at least one of the following criteria:

- A. The subject matter of the activity is actually taught or will soon be taught in a regularly offered course;
- B. The subject matter of the activity concerns the body of courses as a whole;
- C. Participation in the activity is required for a particular course; or
- D. Participation in the activity results in academic credit.

The Board directs the Superintendent to develop appropriate procedures for proper planning, funding, approval and implementation of all activities offered within the above guidelines.

The principal will be responsible for administering the co-curricular program in the school. An opportunity will be made available in each school for students, including those with disabilities, to participate in some aspect of the program. A survey will be conducted at least once every three (3) years to assure that the recreational and athletic activities program accurately responds to the needs and desires of students.

Interscholastic Activities – Board Policy 2151

The Board recognizes the value of a program of interscholastic activities as an integral part of the total school experience to all students of the District and to the community. The program of interscholastic activities will include all activities relating to competitive sport contests, games or events, or exhibitions involving individual students or teams of students of this District when such events occur between separate schools within this District or with any schools outside this District.

The Board expects that:

- A. All interscholastic activities and events will comply with the rules and regulations of the Washington Interscholastic Activities Association (WIAA). The schools of the District will not participate in any out-of-season athletics that are not sanctioned by the WIAA. The District will not be responsible or liable for non-school-sponsored programs or for programs that are organized, promoted or participated in by staff members without school approval. The District will not be responsible for, or control and incur liability for, summer and/or out-of-season activities unless specifically sponsored by the School District. The Superintendent will establish rules defining the circumstances under which school facilities may be used and under which announcements of summer sports leagues and/or clinics may be channeled to students.
- B. An athletic coach must be properly trained and qualified for an assignment as described in the coach's job description.
- C. Each coach will receive a handbook that outlines the skills, techniques and safety measures associated with their coaching assignment. Any deviation from the guidelines within the handbook must be approved in advance by the District Athletic Director or designee.
- D. Coaching stipends and all gifts to a coach that exceed five hundred dollars (\$500) in a season must be approved by the Board of Directors.
- E. Inservice training opportunities will be afforded to each coach so that he or she is trained to attend to the health care needs of participants. Prior to a sports season, the coach will prepare a plan for handling medical emergencies at practice sessions and games (home and away).
- F. Participants will be issued equipment that has been properly maintained and fitted.
- G. All facilities and equipment utilized in the interscholastic activity program will be inspected on a regular basis.
- H. Non-prescribed medications, including such items as analgesic balms, vitamins and salt tablets, must be approved by the Superintendent or designee before they may be available for use by coaches and/or athletic trainers. After athletic training medications have been approved, the coach and/or trainer must secure authorization from the parent and the student's doctor before the medications may be used during the athletic season. If such release is not on file, the non-prescribed medications may not be used. This provision does not preclude the coach and/or trainer from using approved first aid items. A sign will be posted that warns students that eligibility to participate may be denied if anabolic steroids are used for the purpose of enhancing athletic ability.
- I. The Board recognizes that certain risks are associated with participation in interscholastic sports. While the District will strive to prevent injuries and accidents to students, each participant and his/her parent(s) or guardian(s) will be required to sign a statement which indicates that the parent(s) and the student acknowledge the risks of injuries resulting from such participation and give assurance that the student will follow the instructions of the coach.
- J. Prior to the first practice for participation in interscholastic athletics, a student shall provide evidence of physical fitness and approval for interscholastic athletic participation by a medical authority licensed to perform a physical examination. A written report will be completed when a student is injured while participating in a school-supervised activity. A participant will be free of injury and will have fully recovered from illness before participating in any activity.
- K. Each student participating in interscholastic athletic activities is required to have or obtain medical

insurance for expenses incurred as a result of injuries sustained while participating in the extracurricular activity. Students will provide evidence of coverage with a minimum limit in medical expenses or will obtain such coverage through the insurance plan offered to all students participating in activities in the District. No student will be denied the ability to participate solely because the student's family, by reason of low income, is unable to pay the entire amount of the premium for such insurance. The Superintendent or designee may approve partial or full waiver of premiums to permit all students to obtain the required medical insurance.

The Superintendent or designee will annually prepare, approve and present to the Board for its consideration a program of interscholastic activities for the school year. The Superintendent or designee will prepare rules for the conduct of student activities including, but not limited to, use of alcoholic beverages; use of tobacco; use or possession of illegal chemical substances (including marijuana/cannabis) or opiates not prescribed by a physician; physical appearance; curfew; unsportsmanlike conduct; absence from practice; gambling; or any infraction of civil law. Notice of rules and disciplinary actions related to rule violations will be distributed to each participant and his/her parents prior to the beginning of an interscholastic activity season.

Nondiscrimination

The District will not exclude any person from participation in the interscholastic program, deny any person the benefits of such a program or otherwise discriminate against any person in any interscholastic program on the basis of the categories identified in the District's Nondiscrimination policy.

The District will provide necessary funds for recreational and athletic activities for all genders, although the aggregate expenditures are not required to be equal for members of each gender, and expenditures for separate gender-based teams are not required to be equal.

When individual students with disabilities are unable to participate in existing activities even when offered reasonable modifications and necessary accommodations, aids or services, the District may offer opportunities for students with disabilities to participate in separate or different recreational or athletic activities.

The District may operate or sponsor separate teams for members of each gender where selection for such teams is based upon competitive skill or the activity involved is a contact sport. However, when the District operates or sponsors a team in a particular sport for members of one each gender but not the other, and athletic opportunities for members of the other each gender have previously been limited, members of the excluded each gender will be allowed to try out for the team offered. For the purposes of this policy, contact sports include boxing, wrestling, rugby, ice hockey, football, basketball, and other sports in which the major activity involves bodily contact.

The District will provide equal athletic opportunities for all genders within each school for interscholastic, club or intramural athletics. In determining whether equal athletic opportunities for all genders are being provided, the District will consider the following factors:

1. Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of all genders;
2. Provision of equipment and supplies;
3. Scheduling of games and practice time, including the use of playfields, courts, gyms and pools;
4. Travel and per diem allowances, if any;
5. Opportunity to receive coaching and academic tutoring;
6. Assignment and compensation of coaches, tutors, and game officials;
7. Provision of locker rooms and practice and competitive facilities;

8. Provision of medical and training facilities and services, including the availability of insurance;
9. Provision of housing and dining facilities and services, if any; and
10. Publicity and awards.

Annual Athletic Evaluation

The District will evaluate its intramural and interscholastic program in each school at least once each year to ensure that equal opportunities are available to members of all genders with respect to participation in interscholastic and/or intramural programs. The evaluation will include consideration for the factors listed in the above paragraph about Nondiscrimination.

Student Athletic Interest Survey

Every three years, the District will administer to each school that operates interscholastic, intramural and other athletics the survey developed by the office of the Superintendent of Public Instruction to determine male and female student interest in participation in specific sports. The District will consider the survey results when planning and developing recreational and athletic activities offered by the District and when determining whether equal opportunities are available to members of all genders.

Facilities

The District will provide separate facilities (e.g., showers, toilets, training rooms) for male and female students or schedule the facilities equitably for separate use.

Medical Information

Life Threatening Health Conditions

Washington State law defines how children with life threatening health conditions will be served. A life-threatening health condition is defined as one “that will put the child in danger of death during the school day if a medication or treatment order and a nursing plan are not in place.” Such conditions should include severe reactions to bee stings, food allergies, asthma, diabetes, and seizures. An individual health care plan (IHP), including an individual emergency plan element, will be prepared by a District registered nurse. A medication or treatment order from the child’s licensed health care provider is required before the child starts school. Without these, the child will be excluded from school in accordance with federal requirements. Contact your student’s school for more information.

Immunizations

Under Washington state law, all students must present, or have on file, documentation of their immunization status on or before the first day of attendance. Immunization forms are available at all schools or from the Snohomish Health District. The certificate of immunization status must show the month, day, and year the student received all required vaccines.

Students may be exempt for medical, religious, philosophical or personal reasons. A licensed health care provider’s signature must accompany an exemption for medical purposes. A parent’s/ guardian’s signature is necessary to exempt a student for religious, philosophical or personal reasons. Prior to kindergarten, please check for required vaccines on the Washington State Department of Health website.

Medications at School

If a student must receive medications during school hours or when the student is under the supervision of school officials, the following procedures must be followed: Only a staff member designated by the principal, who has been delegated to and trained by an RN, and who has successfully completed medication administration training can administer medication. The medication to be given at school must have a completed Medication Authorization Order form signed by the Licensed Healthcare Provider (LHCP) and the

parent/guardian; and the medication must be in the original, properly labeled container, including any OTC medication and samples.

Legal Notification

Asbestos Notification

Ongoing safety and health program includes the proper management of the maintenance and disposal of asbestos and compliance with applicable federal and state laws and regulations. Using qualified and certified inspectors, Mukilteo School District has identified all friable and non-friable asbestos containing building materials located in District facilities. All friable materials that present a potential health hazard have been properly removed. The District has developed a comprehensive operation and maintenance program with a goal of preventing fiber release episodes and the requirements for necessary notifications should an event occur. Each District building maintains an inventory of asbestos containing building materials for that building. The inventory is available for public inspection and can be obtained by checking with the building office.

Family Educational Rights and Privacy Act (FERPA) and Protection of Pupil Rights Amendment (PPRA)

PPRA gives parents rights about the District's surveys, collection and use of information for marketing purposes, and certain physical exams. FERPA gives parents and students over 18 years old certain rights about the student's education records. These rights are: 1. The right to inspect and review student's education records; 2. The right to request an amendment of the student's education records; 3. The right to opt-out of release of "directory information" as defined in FERPA law and School Board Policy; and 4. The right to file a complaint with the U.S. Department of Education concerning alleged failures to comply with FERPA requirements. Parents who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office U.S. Department of Education
400 Maryland Ave. SW
Washington, D.C. 20202-5920
Phone: 1-800-872-5327.\

FERPA Opt-Out Notice

The Family Educational Rights and Privacy Act (FERPA), requires that Mukilteo School District, with certain exceptions, obtains your written consent prior to the disclosure information from your child's education records. However, Mukilteo School District may disclose appropriately designated "directory information" without written consent, unless you request and file a FERPA Opt-Out Form with your child's school. The form is available at each school's office. Directory information is defined as the student's name, photograph, video image, address, telephone number, email address, date and place of birth, dates of attendance, participation in officially recognized activities and sports, weight and height of members of athletic teams, diplomas and awards received, and the most recent previous school attended.

Directory Information for the U.S. Military (High School Only)

Federal law requires high schools to release home contact information for all high school students to military recruiters unless parents/guardians deny the release of this information. You can opt out of having this information released for this purpose by requesting and filing a FERPA Opt-Out Form with your child's school.

Integrated Pest Management

Mukilteo School District intends to comply with all federal, state and local regulations pertaining to the management of vegetation and/or pests. Through the integrated Pest Management Program, Mukilteo School District promotes a prudent approach in dealing with environmental concerns and the establishment of levels at which action is taken. The program does not rule out the use of pesticides but requires their use to be thoughtfully considered.

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