**Operating Procedure No. 3207P
Students**

**PROHIBITION OF HARASSMENT, INTIMIDATION**

**AND BULLYING - STUDENTS**

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

Conduct that may rise to the level of harassment, intimidation and bullying may take many forms, including, but not limited to: slurs, rumors, jokes, innuendoes, demeaning comments, drawings, cartoons, pranks, ostracism, physical attacks or threats, gestures, or acts relating to an individual or group whether electronic, written, oral, or physically transmitted messages or images. There is no requirement that the targeted student actually possess the characteristic that is the basis for the harassment, intimidation or bullying.

**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.

**Incident Reporting Form** – The [*ReLife School Incident Reporting Form*](https://pugetsoundesd.sharepoint.com/%3Aw%3A/r/my/ltfs/_layouts/15/Doc.aspx?sourcedoc=%7BB495C4D4-F52D-4136-A6F2-3C99DABFCC7B%7D&file=ReLife%20School%20Harassment%20Intimidation%20or%20Bullying%20Incident%20Report%20Form.docx&wdLOR=c544B807F-AF3B-495D-898D-B2AEAAC98DA2&action=default&mobileredirect=true) should be used by students, families or staff to provide a written report incidents of student harassment, intimidation or bullying at ReLife School.

**Retaliation** occurs an aggressor harasses, intimidates or bullies a student who has reported incidents of bullying.

**Staff** includes, but is not limited to, teachers, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, classified staff, substitute and temporary teachers, volunteers, or paraprofessionals.

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

**Steps in Filing a Report**

Any student who believes 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. The *Incident Reporting Form* should be used in filing a written report of the incident.

**Step 1: Filing an *Incident Reporting Form***

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).

**Step 2: Receiving an *Incident Reporting Form***

All ReLife School staff are responsible for receiving oral reports. Whenever possible staff who initially receive an oral report of harassment, intimidation or bullying will attempt to resolve the incident immediately. If the incident is resolved to the satisfaction of all 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. In determining whether the incident meets the definition of harassment, intimidation or bullying, the staff member involved must consult with the principal or designee.

All written reports of harassment, intimidation or bullying will be recorded on an *Incident Reporting Form* and submitted to the ReLife principal or designee, unless the principal or designee is the subject of the complaint. Incident Reporting Forms must also be forwarded to the Executive Administrator of Human Resources and Organizational Development who serves as the PSESD Title IX or Civil Rights Compliance Coordinator.

**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 principal or school designee will begin the investigation. If there is potential for clear and immediate physical harm to the complainant, the ESD will immediately contact law enforcement and inform the parent/guardian.
2. During the course of the investigation, ReLife School 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, ReLife will implement a safety plan for the student(s) involved. The plan may include changing seating arrangements for the complainant and/or the alleged aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a safe person for the complainant; altering the alleged aggressor’s schedule and access to the complainant, and other measures.
3. Within two (2) school days after receiving the report*,* the principal or designee will notify the families of the students involved that a complaint was received and direct the families to the PSESD’s and ReLife School’s policies and procedures 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) ReLife School has evidence that it would threaten the health and safety of the complainant or the alleged aggressor to involve his or her parent/guardian, ReLife may initially refrain from contacting the parent/guardian in its investigation of harassment, intimidation and bullying. If professional school personnel suspect that a student is subject to abuse and neglect, they must follow PSESD Operating Policy 3421 for reporting suspected cases to Child Protective Services.
5. The investigation will include, at a minimum:
	* 1. An interview with the complainant;
		2. An interview with the alleged aggressor;
		3. A review of any previous complaints involving either the complainant or the alleged aggressor; and
		4. 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, ReLife School 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 ESD 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:
	* 1. The results of the investigation;
		2. Whether the allegations were found to be factual;
		3. Whether there was a violation of policy; and
		4. 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 ReLife School 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 PSESD 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 Executive Director of Human Resources and Organizational Development who serves as the PSESD Title IX or Civil Rights Compliance Coordinator.

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

After completion of the investigation, the ReLife School Principal or designee will institute any corrective measures necessary. Corrective measures will be instituted as quickly as possible, but in no event more than five (5) school days after contact has been made to the families or guardians regarding the outcome of the investigation. Corrective measures that involve student discipline will be implemented according to [Operating Policy No. 3241, Classroom Management, Corrective Actions or Punishment](http://www.boarddocs.com/wa/wssda/Board.nsf/goto?open&id=8U6URU7CEDB4). If the accused aggressor is appealing the imposition of discipline, ReLife 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 the ReLife School Principal or principal’s designee found that a student knowingly made a false allegation of harassment, intimidation or bullying, that student may be subject to corrective measures, including discipline.

**Step 5: Targeted Student’s Right to Appeal**

1. Within five (5) school days of receiving the written decision, the complainant or parent/guardian who is dissatisfied with the results of the investigation, may appeal to the PSESD Superintendent by filing a notice of appeal with the PSESD Executive Director of Human Resources and Organizational Development who serves as the ESD Title IX or Civil Rights Compliance Coordinator. The Superintendent or his or her designee will review the investigative report and issue a written decision on the merits of the appeal within five (5) school days of receiving the notice of appeal.
2. If the targeted student remains dissatisfied after the initial appeal to the Superintendent, the student may appeal to the PSESD School Board by filing a written notice of appeal with the secretary of the school board on or before the fifth (5) school day following the date upon which the complainant received the superintendent’s written decision.
3. An appeal before the school board or disciplinary appeal council must be heard on or before the tenth (10th) school day following the filing of the written notice of appeal to the school board. The school board or disciplinary appeal committee of the board 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 decision will be the final district decision.

**Step 6: Discipline/Corrective Action**

ReLife School 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 Operating Policy No.  [3241, Classroom Management, Corrective Actions or Punishment](http://www.boarddocs.com/wa/wssda/Board.nsf/goto?open&id=8U6URU7CEDB4).

If staff have been found to be in violation of this policy and procedure, PSESD may impose employment disciplinary action, up to and including termination. If a certificated educator is found to have committed a violation of [WAC 392-181-87](http://apps.leg.wa.gov/wac/default.aspx?cite=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 PSESD support services made available to them, and the adverse impact of the harassment on the student will be addressed and remedied as appropriate.

**Other District Policies and Procedures**

Nothing in Operating Policy No. 3207 or Procedure 3207P is intended to prohibit student discipline or remedial action for inappropriate behaviors that do not rise to the level of harassment, intimidation or bullying as defined but which are, or may be, prohibited by other PSESD, ReLife School or classroom rules.

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