

# Stanwood Camano School District #401

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## **Memorandum**

**Date:** December 3, 2019

**To:** Stanwood-Camano School District Board of Directors

**From:** Mark Carter, Director of Student Services and Safety

**Re:** Policy 3207 Prohibition of Harassment, Intimidation, and Bullying

This is the second reading of the revised Student Policy 3207 Prohibition of Harassment, Intimidation, and Bullying, which has been reviewed by legal counsel and updated.

WSSDA has revised Model Policy and Procedure 3207 to clarify the legal definition of harassment, intimidation, and bullying.

## **RECOMMENDATION**

It is recommended the Board of Directors approve Policy 3207 Prohibition of Harassment, Intimidation, and Bullying.

## PROHIBITION OF HARASSMENT, INTIMIDATION, AND BULLYING

The ~~district board~~ is committed to a safe and civil educational environment for all ~~students, students, employees, parents/legal guardians, volunteers, and community members~~ that is free from harassment, intimidation, or bullying. ~~Our district's core values include our commitment to value differences among people and treat one another with respect. "Harassment, intimidation and bullying of students by other students, staff members, volunteers, parents or guardians are prohibited. As defined in legislation, "Harassment, intimidation or bullying" means any intentional electronic, written, verbal or physical act including but not limited to, one shown to be motivated by any characteristic in RCW28A.640.010 and 28A 642.010, or other distinguishing characteristics, when the act:~~

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

~~It shall be a violation of this policy and the district's student discipline policy for any student of the district to harass, intimidate or bully another student through electronic, written, verbal, nonverbal, or physical conduct while in or on school property (or in reasonable proximity thereto), school transportation, or at school sponsored activities off school property.~~

~~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 individual's choice to engage in the act rather than the ultimate impact of the action(s).~~

### **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.~~

~~This policy is not intended to prohibit expression of religious, philosophical, or political views, provided that the expression does not substantially disrupt the educational environment. Many behaviors that do not rise to the level of harassment, intimidation, or bullying may still be prohibited by other district policies or building, classroom or program rules.~~

### **Training**

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

## Prevention

The district will provide students with strategies aimed at preventing harassment, intimidation, and bullying. In its efforts to educate students, the district will seek partnerships with families, law enforcement, and other community agencies.

## Interventions

Interventions will be designed to address the impact of harassment, intimidation, and bullying on the targeted student(s) and others impacted by the violation, to change the behavior of the perpetrator, aggressor, 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 ~~may include~~ will range from counseling, correcting behavior and discipline, to law enforcement referrals.

### Students with Individual Education Plans or Section 504 Plans

If allegations are proven that a student with an Individual Education Plan (IEP) or Section 504 Plan has been the 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 should occur regardless of whether the harassment, intimidation, or bullying incident was based on the student's disability. During the meeting, the team will evaluate issues such as the student's academic performance, behavioral issues, attendance, and participation in extracurricular activities. If a determination is made that the student is not receiving FAPE as a result of the harassment, intimidation, or bullying incident, the district will provide additional services and supports as deemed necessary, such as counseling, monitoring and/or reevaluation or revision of the student's IEP or Section 504 plan, to ensure the student receives a FAPE.

### Retaliation/False Allegations

Retaliation is prohibited against those who report or participate in an investigation of harassment, intimidation and bullying 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.

### False Allegations

Knowingly reporting false allegations of harassment, intimidation and bullying is prohibited. Students or employees will not be disciplined for making a report in good faith. However, persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline.

## Compliance Officer

The superintendent will appoint a compliance officer as the primary district contact to receive copies of all harassment, intimidation, and bullying incident report forms and to 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 OSPI.

The superintendent is authorized to direct the ~~development and~~ implementation of procedures addressing the elements of ~~to carry out~~ this policy.

Cross References:

Policy 2161

Special Education and Related Services  
For Eligible Students

Policy 3200

Rights and Responsibilities

	<del>Procedure 3206P</del>	<del>Sexual Harassment of Students Prohibited</del>
	Procedure 3207P	Prohibition of Harassment, Intimidation, and Bullying
	Policy 3210	Nondiscrimination
	<del>Policy 3211</del>	<del>Transgender Students</del>
	<del>Policy 3240</del>	<del>Student Conduct</del>
<b>Punishment</b>	Policy 3241	Student Discipline Corrective Actions or
	<del>Policy 6590</del>	<del>Sexual Harassment</del>
Legal Reference:	RCW 28A.300.285	_____Harassment, Intimidation, and
		_____Bullying Prevention Policies <u>and</u>
		<u>Procedures-Model policy and</u>
		<u>procedure-Training Materials-Posting on</u>
		<u>web site- Rules-Advisory Committee</u>
	RCW 28A.600.480	Reporting of Harassment, Intimidation, or Bullying
		<del>-Retaliation Prohibited -Immunity</del>
	RCW 9A.36.080	Malicious Harassment _____
	Definition _____	and Criminal Penalty
	RCW 28A.642	K-12 Education _____ Prohibition of _____
		Discrimination
	RCW 49.60	Discrimination _____ Human Rights- Commission
	RCW 26.44	Abuse of Children
	RCW 28A.640	Sexual Equality
	WAC 392-190	Equal educational opportunity _____ unlawful- discrimination prohibited
	WAC 392-400-215	Student rights
	WAC 392-190-059	Harassment, intimidation and bullying
		<u>prevention policy and procedure – School districts.</u>

Management Resources:

[Office for Civil Rights Dear Colleague Letter: Responding to Bullying of Students with Disabilities \(OCR 10/21/2014\) 2019 - August Policy Alert](#)

[2019 - July Policy Issue](#)

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

[2010 - December Issue](#)

[2008 - April Issue](#)

[2002 - April Issue](#)

~~Title IX Education Amendments of 1972~~

**Adoption Date: 05.20.03**  
**Stanwood-Camano School District**  
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