

Simpson School

Supplemental Handbook

2018-2019

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The Bulldog Be's



	BE SAFE	BE RESPECTFUL	BE RESPONSIBLE
CLASSROOMS	Keep hands, feet, and objects to self	Treat others the way you want to be treated	Always do your best
	Walk at all times	Encourage others	Be prepared
	Use good hygiene	Listen to teacher directions	Organize your time and materials
	Careful movement around room	Follow classroom rules	Do your work/homework
HALLWAYS	Hands, feet, objects to selves	Treat others the way you want to be treated	Make your way to destination in timely manner
	Watch where you are walking	Use quiet voice; classrooms in session	Report issues ASAP
	Stay on the right and keep an appropriate pace	Hold door for person behind you	Stay in line when required by adult
	Direct visitors to office-do not open doors for visitors	Backpacks along the wall	
OFFICE	Walk	Treat others the way you want to be treated	Bring note or have parent excuse absences
	Report emergencies immediately	Use polite language and appropriate volume	Direct visitors to office
	Check in with office staff	Wait your turn	Check in if arriving late, leaving early or going to nurse
		Respect property	
LUNCHROOM	Walk	Treat others the way you want to be treated	Clean your area
	Stay seated while eating	Use good table manners	Follow adult's directions
	Wash hands	Listen for directions	Eat a healthy lunch
	Report or clean up spills	Use appropriate volume and language	
	Don't share food/be aware of allergies		
	Use utensils, food and materials appropriately		
	Keep hands and feet to self		
LIBRARY	Keep hands and feet to self	Treat others the way you want to be treated	Re-shelve books where you found them
	Be visible to staff	Check out books in timely manner	Check out and return books on time
	Use chairs appropriately	Use quiet voice	Report any damaged books
GYM	Control voices so you can hear instruction	Treat others the way you want to be treated	Use equipment appropriately
	Report injuries	Be a good sport	Listen to teacher
	Control your movements	Use appropriate language and volume	Put equipment away
	Wear appropriate clothing and shoes	Give all activities a try	
	Use equipment appropriately		
BATHROOMS	Wash your hands	Treat others the way you want to be treated	Report problems to an adult
	Walk	Wait your turn	When finished go back to class quickly
	Keep floors dry and free from garbage	Lock the stall door	Use bathroom at appropriate times
	Keep hands and feet to self	Use appropriate language and volume	Use equipment and materials appropriately
PLAYGROUND	Use equipment as designed	Treat others the way you want to be treated	Follow the game rules
	Be aware of your surroundings and others	Be respectful of classes in session	Put equipment away when finished
	No rough play	Be a good sport	Use equipment properly
	Call for help when needed	Listen to playground supervisors	Dress appropriately for weather and/or activity
	Stay in designated areas		Walk to your line quickly and quietly at end of recess
BUS/PICK-UP	Follow directions of school staff and bus drivers	Treat others the way you want to be treated	Prepare for home before leaving building
	Walk on sidewalks, crosswalks and crossing guards	Use appropriate language and volume	Know your after school plans before school day is over
	Be aware of possible unsafe situations for yourself or others		Use bus passes
	Walk or stand in safe zone		Help younger students
	If being picked up stay on sidewalk until your ride is there		

Montesano School District No. 66

Students and Telecommunication Devices

Students in possession of telecommunications devices, including, but not limited to cell phones, while on school property or while attending school-sponsored or school-related activities will observe the following conditions:

- A. Students will not use telecommunication devices in a manner that poses a threat to academic integrity, disrupts the learning environment or violates the privacy rights of others;
- B. Students will not send, share, view or possess pictures, text messages, emails or other material depicting sexually explicit conduct, as defined in 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;
- C. When a school official has reasonable suspicion, based on objective and articulable facts, that a student is using a telecommunications device in a manner that violates the law or school rules, the official may confiscate the device, which will only be returned to the student's parent or legal guardian;
- D. By bringing a cell phone or other electronic devices to school or school-sponsored events, the student and their parent/guardian consent to the search of the device when school officials have a reasonable suspicion, based on objective and articulable facts, that such a search will reveal a violation of the law or school rules. The scope of the search will be limited to the violation of which the student is accused. Content or images that violate state or federal laws will be referred to law enforcement;
- E. Students are responsible for devices they bring to school. The district will not be responsible for loss, theft or destruction of devices brought onto school property or to school sponsored events;
- F. Students will comply with any additional rules developed by the school concerning the appropriate use of telecommunication or other electronic devices; and
- G. Students who violate this policy will be subject to disciplinary action, including suspension or expulsion.

Cross References:	Board Policy 2022	Electronic Resources
	3207	Prohibition of Harassment, Intimidation and Bullying
	3241	Classroom Management, Corrective Actions or Punishment
	4310	Relations with Law Enforcement Agencies, Child Protective Agencies and County Health Officials

Management Resources:

<i>Policy News</i> , October 2010	Students and Telecommunication Devices Revisited
<i>Policy News</i> , June 2010	Students and Sexting
<i>Policy News</i> , February 2004	Evolution of Cell Phone Use

Adopted: 06.26.14

School District Name: Montesano

Revised: 2.04; 06.10; 10.10; 12.11; 06.14

Montesano School District No. 66
Prohibition of Harassment, Intimidation and Bullying - #3207

A. Introduction

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

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

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

B. Definitions

Aggressor is 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 is an intentional electronic, written, verbal, or physical act that:

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

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

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

Incident Reporting Forms may be used by students, families, or staff to report incidents of harassment, intimidation or bullying. A sample form is provided on the Office of Superintendent

of Public Instruction's (OSPI) School Safety Center website:
www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx.

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

Staff includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, classified staff, substitute and temporary teachers, volunteers, or paraprofessionals (both employees and contractors).

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

C. Relationship to Other Laws

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

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

1. RCW 28A.300.285 – Harassment, Intimidation and Bullying
2. RCW 28A.640.020 – Sexual Harassment
3. RCW 28A.642 – Prohibition of Discrimination in Public Schools
4. RCW 49.60.010 – The Law Against Discrimination

The district will ensure its compliance with all state laws regarding harassment, intimidation or bullying. Nothing in this procedure prevents a student, parent/guardian, school or district from taking action to remediate harassment or discrimination based on a person's gender or membership in a legally protected class under local, state, or federal law.

D. Prevention

1. Dissemination

In each school and on the district's website the district will prominently post information on reporting harassment, intimidation and bullying; the name and contact information for making a report to a school administrator; and the name and contact information for the district compliance officer. The district's policy and procedure will be available in each school in a language that families can understand.

Annually, the superintendent will ensure that a statement summarizing the policy and procedure is provided in student, staff, volunteer, and parent handbooks, is available in school and district offices and/or hallways, or is posted on the district's website.

Additional distribution of the policy and procedure is subject to the requirements of Washington Administrative Code 392-400-226.

2. Education

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

3. Training

Staff will receive annual training on the school district's policy and procedure, including staff roles and responsibilities, how to monitor common areas and the use of the district's Incident Reporting Form.

4. Prevention Strategies

The district will implement a range of prevention strategies including individual, classroom, school, and district-level approaches. Whenever possible, the district will implement evidence-based prevention programs that are designed to increase social competency, improve school climate, and eliminate harassment, intimidation and bullying in schools.

E. Compliance Officer

The district compliance officer will:

1. Serve as the district's primary contact for harassment, intimidation and bullying;
2. Provide support and assistance to the principal or designee in resolving complaints;
3. Receive copies of all Incident Reporting Forms, discipline Referral Forms, and letters to parents providing the outcomes of investigations;
4. Be familiar with the use of the student information system. The compliance officer may use this information to identify patterns of behavior and areas of concern;
5. Ensure implementation of the policy and procedure by overseeing the investigative processes, including ensuring that investigations are prompt, impartial, and thorough;
6. Assess the training needs of staff and students to ensure successful implementation throughout the district, and ensure staff receive annual fall training;
7. Provide the OSPI School Safety Center with notification of policy or procedure updates or changes on an annual basis; and
8. In cases where, despite school efforts, a targeted student experiences harassment, intimidation or bullying that threatens the student's health and safety, the compliance officer will facilitate a meeting between district staff and the child's parents/guardians to develop a safety plan to protect the student. A sample student safety plan is available on the OSPI website: www.k12.wa.us/SafetyCenter/default.aspx.

F. Staff Intervention

All staff members will intervene when witnessing or receiving reports of harassment, intimidation or bullying. Minor incidents that staff are able to resolve immediately, or incidents that do not meet the definition of harassment, intimidation or bullying, may require no further action under this procedure.

G. Filing an Incident Reporting Form

Any student who believes he or she has been the target of unresolved, severe, or persistent harassment, intimidation or bullying, or any other person in the school community who observes or receives notice that a student has or may have been the target of unresolved, severe, or persistent harassment, intimidation or bullying may report incidents verbally or in writing to any staff member.

H. Addressing Bullying – Reports

Step 1: Filing an Incident Reporting Form

In order to protect a targeted student from retaliation, a student need not reveal his identity on an Incident Reporting Form. The form may be filed anonymously, confidentially, or the student may choose to disclose his or her identity (nonconfidential).

Status of Reporter

1. Anonymous

Individuals may file a report without revealing their identity. No disciplinary action will be taken against an alleged aggressor based solely on an anonymous report. Schools may identify complaint boxes or develop other methods for receiving anonymous, unsigned reports. Possible responses to an anonymous report include enhanced monitoring of specific locations at certain times of day or increased monitoring of specific students or staff. (Example: An unsigned Incident Reporting Form dropped on a teacher's desk led to the increased monitoring of the boys' locker room in 5th period.)

2. Confidential

Individuals may ask that their identities be kept secret from the accused and other students. Like anonymous reports, no disciplinary action will be taken against an alleged aggressor based solely on a confidential report. (Example: A student tells a playground supervisor about a classmate being bullied but asks that nobody know who reported the incident. The supervisor says, "I won't be able to punish the bullies unless you or someone else who saw it is willing to let me use their names, but I can start hanging out near the basketball court, if that would help.")

3. Non-confidential

Individuals may agree to file a report non-confidentially. Complainants agreeing to make their complaint non-confidential will be informed that due process requirements may require that the district release all of the information that it has regarding the complaint to any individuals involved in the incident, but that even then, information will still be restricted to those with a need to know, both during and after the investigation. The district will, however, fully implement the anti-retaliation provision of this policy and procedure to protect complainants and witnesses.

Step 2: Receiving an Incident Reporting Form

All staff are responsible for receiving oral and written reports. Whenever possible staff who initially receive an oral or written report of harassment, intimidation or bullying will attempt to resolve the incident immediately. If the incident is resolved to the satisfaction of the parties involved, or if the incident does not meet the definition of harassment, intimidation or bullying, no further action may be necessary under this procedure. All reports of unresolved, severe, or persistent harassment, intimidation or bullying will be recorded on a district Incident Reporting

Form and submitted to the principal or designee, unless the principal or designee is the subject of the complaint.

Step 3: Investigations of Unresolved, Severe, or Persistent Harassment, Intimidation and Bullying

All reports of unresolved, severe, or persistent harassment, intimidation or bullying will be investigated with reasonable promptness. Any student may have a trusted adult with them throughout the report and investigation process.

1. Upon receipt of the Incident Reporting Form that alleges unresolved, severe, or persistent harassment, intimidation or bullying, the school or district designee will begin the investigation. If there is potential for clear and immediate physical harm to the complainant, the district will immediately contact law enforcement and inform the parent/guardian.

2. During the course of the investigation, the district will take reasonable measures to ensure that no further incidents of harassment, intimidation or bullying occur between the complainant and the alleged aggressor. If necessary, the district will implement a safety plan for the student(s) involved. The plan may include changing seating arrangements for the complainant and/or the alleged aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a safe person for the complainant; altering the alleged aggressor's schedule and access to the complainant, and other measures.

3. Within two (2) school days after receiving the Incident Reporting Form, the school designee will notify the families of the students involved that a complaint was received and direct the families to the district's policy and procedure on harassment, intimidation and bullying.

4. In rare cases, where after consultation with the student and appropriate staff (such as a psychologist, counselor, or social worker) the district has evidence that it would threaten the health and safety of the complainant or the alleged aggressor to involve his or her parent/guardian, the district may initially refrain from contacting the parent/guardian in its investigation of harassment, intimidation and bullying. If professional school personnel suspect that a student is subject to abuse and neglect, they must follow district policy for reporting suspected cases to Child Protective Services.

5. The investigation will include, at a minimum:

- a. An interview with the complainant;
- b. An interview with the alleged aggressor;
- c. A review of any previous complaints involving either the complainant or the alleged aggressor; and
- d. Interviews with other students or staff members who may have knowledge of the alleged incident.

6. The principal or designee may determine that other steps must be taken before the investigation is complete.

7. The investigation will be completed as soon as practicable but generally no later than five (5) school days from the initial complaint or report. If more time is needed to complete an investigation, the district will provide the parent/guardian and/or the student with weekly updates.

8. No later than two (2) school days after the investigation has been completed and submitted to the compliance officer, the principal or designee will respond in writing or in person to the parent/guardian of the complainant and the alleged aggressor stating:

- a. The results of the investigation;

- b. Whether the allegations were found to be factual;
- c. Whether there was a violation of policy; and
- d. The process for the complainant to file an appeal if the complainant disagrees with the results.

Because of the legal requirement regarding the confidentiality of student records, the principal or designee may not be able to report specific information to the targeted student's parent/guardian about any disciplinary action taken unless it involves a directive that the targeted student must be aware of in order to report violations.

If a district chooses to contact the parent/guardian by letter, the letter will be mailed to the parent/guardian of the complainant and alleged aggressor by United States Postal Service with return receipt requested unless it is determined, after consultation with the student and appropriate staff (psychologist, counselor, social worker) that it could endanger the complainant or the alleged aggressor to involve his or her family. If professional school personnel suspect that a student is subject to abuse or neglect, as mandatory reporters they must follow district policy for reporting suspected cases to Child Protective Services.

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

Step 4: Corrective Measures for the Aggressor

After completion of the investigation, the school or district designee will institute any corrective measures necessary. Corrective measures will be instituted as quickly as possible, but in no event more than five (5) school days after contact has been made to the families or guardians regarding the outcome of the investigation. Corrective measures that involve student discipline will be implemented according to district policy 3241,

Classroom Management, Corrective Actions or Punishment. If the accused aggressor is appealing the imposition of discipline, the district may be prevented by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded.

If in an investigation a principal or principal's designee found that a student knowingly made a false allegation of harassment, intimidation or bullying, that student may be subject to corrective measures, including discipline.

Step 5: Targeted Student's Right to Appeal

1. If the complainant or parent/guardian is dissatisfied with the results of the investigation, they may appeal to the superintendent or his or her designee by filing a written notice of appeal within five (5) school days of receiving the written decision. The superintendent or his or her designee will review the investigative report and issue a written decision on the merits of the appeal within five (5) school days of receiving the notice of appeal.
2. If the targeted student remains dissatisfied after the initial appeal to the superintendent, the student may appeal to the school board by filing a written notice of appeal with the secretary of the school board on or before the fifth (5) school day following the date upon which the complainant received the superintendent's written decision.

3. An appeal before the school board or disciplinary appeal council must be heard on or before the tenth (10th) school day following the filing of the written notice of appeal to the school board. The school board or disciplinary appeal council will review the record and render a written decision on the merits of the appeal on or before the fifth (5th) school day following the termination of the hearing, and will provide a copy to all parties involved. The board or council's decision will be the final district decision.

Step 6: Discipline/Corrective Action

The district will take prompt and equitable corrective measures within its authority on findings of harassment, intimidation or bullying. Depending on the severity of the conduct, corrective measures may include counseling, education, discipline, and/or referral to law enforcement.

Corrective measures for a student who commits an act of harassment, intimidation or bullying will be varied and graded according to the nature of the behavior, the developmental age of the student, or the student's history of problem behaviors and performance. Corrective measures that involve student discipline will be implemented according to district policy 3241, Classroom Management, Corrective Actions or Punishment.

If the conduct was of a public nature or involved groups of students or bystanders, the district should strongly consider schoolwide training or other activities to address the incident.

If staff have been found to be in violation of this policy and procedure, school districts may impose employment disciplinary action, up to and including termination. If a certificated educator is found to have committed a violation of WAC 181-87, commonly called the Code of Conduct for Professional Educators, OSPI's Office of Professional Practices may propose disciplinary action on a certificate, up to and including revocation. Contractor violations of this policy may include the loss of contracts.

Step 7: Support for the Targeted Student

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

I. 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.

J. Other Resources

Students and families should use the district's complaint and appeal procedures as a first response to allegations of harassment, intimidation and bullying. However, nothing in this procedure prevents a student, parent/guardian, school, or district from taking action to remediate discrimination or harassment based on a person's membership in a legally protected class under local, state or federal law. An harassment, intimidation or bullying complaint may also be reported to the following state or federal agencies:

- OSPI Equity and Civil Rights Office
360.725.6162

Email: equity@k12.wa.us
www.k12.wa.us/Equity/default.aspx
• 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 Ombudsman
866.297-2597
Email: OEOinfo@gov.wa.gov
www.governor.wa.gov/oeo/default.asp
• OSPI Safety Center
360.725-6044
www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx

K. 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.

Full procedures for Policy #3207 and the Incident Report Form may be found on the district's website at <http://www.monteschools.org/school-board-policies>, in the school office or by contacting the district office at 360-249-3942.

Date: 04.02; 04.08; 12.10; 12.11

Montesano School District No. 66
Sexual Harassment of Students Prohibited - #3205

This district is committed to a positive and productive education free from discrimination, including sexual harassment. This commitment extends to all students involved in academic, educational, extracurricular, athletic, and other programs or activities of the school, whether that program or activity is in a school facility, on school transportation or at a class or school training held elsewhere.

Definitions

For purposes of this policy, sexual harassment means unwelcome conduct or communication of a sexual nature. Sexual harassment can occur adult to student, student to student or can be carried out by a group of students or adults and will be investigated by the District even if the alleged harasser is not a part of the school staff or student body. The district prohibits sexual harassment of students by other students, employees or third parties involved in school district activities.

Under federal and state law, the term "sexual harassment" may include:

- acts of sexual violence;
- unwelcome sexual or gender-directed conduct or communication that interferes with an individual's educational performance or creates an intimidating, hostile, or offensive environment;
- unwelcome sexual advances;
- unwelcome requests for sexual favors;
- sexual demands when submission is a stated or implied condition of obtaining an educational benefit;
- sexual demands where submission or rejection is a factor in an academic, or other school-related decision affecting an individual.

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

Investigation and Response

If the district knows, or reasonably should know, that sexual harassment has created a hostile environment, it will promptly investigate to determine what occurred and take appropriate steps to resolve the situation. If an investigation reveals that sexual harassment has created a hostile environment, the district will take prompt and effective steps reasonably calculated to end the sexual harassment, eliminate the hostile environment, prevent its recurrence and as appropriate, remedy its effects. The district will take prompt, equitable and remedial action within its authority on reports, complaints and grievances alleging sexual harassment that come to the attention of the district, either formally or informally. The district will take these steps every time a complaint, alleging sexual harassment comes to the attention of the district, either formally or 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 Allegations

Retaliation against any person who makes or is a witness in a sexual harassment complaint is prohibited and will result in appropriate discipline. The district will take appropriate actions to protect involved persons from retaliation.

It is a violation of this policy to knowingly report false allegations of sexual harassment. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline.

Staff Responsibilities

The superintendent will develop and implement formal and informal procedures for receiving, investigating and resolving complaints or reports of sexual harassment. The procedures will include reasonable and prompt time lines and delineate staff responsibilities under this policy.

Any school employee who witnesses sexual harassment or receives a report, informal complaint, or written complaint about sexual harassment is responsible for informing the district Title IX or Civil Rights Compliance Coordinator. All staff are also responsible for directing complainants to the formal complaint process.

Reports of discrimination and discriminatory harassment will be referred to the district's Title IX/Civil Rights Compliance Coordinator. Reports of disability discrimination or harassment will be referred to the district's Section 504 Coordinator.

Notice and Training

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

Policy Review

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

Revised 10/26/17

Procedure - Sexual Harassment of Students Prohibited - #3205

The procedure is intended to set forth the requirements of Policy 3205, including the process for a prompt, thorough, and equitable investigation of allegations of sexual harassment and the need to take appropriate steps to resolve such situations. If sexual harassment is found to have created a hostile environment, staff must take immediate action to eliminate the harassment, prevent its reoccurrence, and address its effects.

This procedure applies to sexual harassment (including sexual violence) targeted at students carried out by other students, employees or third parties involved in school district activities. Because students can experience the continuing effects of off-campus harassment in the educational setting, the district will consider the effects of off-campus conduct when evaluating whether there is a hostile environment on campus. The district has jurisdiction over these complaints pursuant to Title IX of the Education Amendments of 1972, Chapter 28A.640, RCW and Chapter 392-190 WAC.

Notice

- Information about the district's sexual harassment policy will be easily understandable and conspicuously posted throughout each school building, be reproduced in each student, staff, volunteer and parent handbook.
- In addition to the posting and reproduction of this procedure and Policy 3205, the district will provide annual notice to employees that complaints pursuant to this procedure may be filed at the **office of the Superintendent - 502 E. Spruce Ave, of district office.**

Staff Responsibilities

- In the event of an alleged sexual assault, the school principal will immediately inform: 1) the Title IX/Civil Rights Compliance Coordinator so that the district can appropriately respond to the incident consistent with its own grievance procedures; and 2) law enforcement.
- The principal will notify the targeted student(s) and their parents/guardians of their right to file a criminal complaint and a sexual harassment complaint simultaneously.

Confidentiality

- If a complainant requests that his or her name not be revealed to the alleged perpetrator or asks that the district not investigate or seek action against the alleged perpetrator, the request will be forwarded to the **Superintendent** for evaluation.
- The **Superintendent or Designee** should inform the complainant that honoring the request may limit its ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator.
- If the complainant still requests that his or her name not be disclosed to the alleged perpetrator or that the district not investigate or seek action against the alleged perpetrator, the district will need to determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students, staff and other third parties engaging in district activities, including the person who reported the sexual harassment. Although a complainant's request to have his or her name withheld may limit the district's ability to respond fully to an individual allegation of sexual harassment, the district will use other appropriate means available to address the sexual harassment.

Retaliation

Title IX prohibits retaliation against any individual who files a complaint under these laws or participates in a complaint investigation. When an informal or formal complaint of sexual harassment is made, the district will take steps to stop further harassment and prevent any retaliation against the person who made the complaint, was the subject of the harassment, or against those who provided information as a witness. The district will investigate all allegations of retaliation and take actions against those found to have retaliated.

Informal Complaint Process

Anyone may use informal procedures to report and resolve complaints of sexual harassment. Informal reports may be made to any staff member. Staff will always notify complainants of their right to file a formal complaint and the process for same. Staff will also direct potential complainants to ***Pam Banks; Title IX and Compliance Coordinator at 502 E. Spruce Ave, Montesano, WA 98563, Phone 360-249-3942, FAX # 360-841-7198 , Email pbanks@monteschools.org***. Additionally, staff will also inform an appropriate supervisor or professional staff member when they receive complaints of sexual harassment, especially when the complaint is beyond their training to resolve or alleges serious misconduct.

During the course of the informal complaint process, the district will take prompt and effective steps reasonably calculated to end any harassment and to correct any discriminatory effects on the complainant. If an investigation is needed to determine what occurred, the district will take interim measures to protect the complainant before the final outcome of the district's investigation (e.g., allowing the complainant to change academic or extracurricular activities or break times to avoid contact with the alleged perpetrator).

Informal remedies may include:

- An opportunity for the complainant to explain to the alleged harasser that his or her conduct is unwelcome, offensive or inappropriate, either in writing or face-to-face;
- A statement from a staff member to the alleged harasser that the alleged conduct is not appropriate and could lead to discipline if proven or repeated;
- A general public statement from an administrator in a building reviewing the district sexual harassment policy without identifying the complainant;
- Developing a safety plan;
- Separating students; or
- Providing staff and/or student training

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

The district will inform the complainant and their parent/guardian how to report any subsequent problems. Additionally, the district will conduct follow-up inquiries to see if there have been any new incidents or instances of retaliation, and to promptly respond and appropriately address continuing or new problems. Follow-up inquiries will follow a timeline agreed to by the district and complainant.

Formal Complaint Process

Level One – Complaint to District

Anyone may initiate a formal complaint of sexual harassment, even if the informal complaint process is being utilized. At any level in the formal complaint process, the district will take interim measures to protect the complainant before the final outcome of the district's investigation.

The following process will be followed:

Filing of Complaint

- All formal complaints will be in writing and will set forth the specific acts, conditions or circumstances alleged to have occurred and to constitute sexual harassment. The Title IX Coordinator may draft the complaint based on the report of the complainant for the complainant to review and approve. The superintendent or Title IX Coordinator may also conclude that the district needs to conduct an investigation based on information in his or her possession, regardless of the complainant's interest in filing a formal complaint.
- The time period for filing a complaint is one year from the date of the occurrence that is the subject matter of the complaint. However, a complaint filing deadline may not be imposed if the complainant was prevented from filing due to: 1) Specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint; or 2) Withholding of information that the district was required to provide under WAC 392-190-065 or WAC 392-190-005.

- Complaints may be submitted by mail, fax, e-mail or hand-delivery to the district Title IX Coordinator, [*insert name/title*] at [*insert office address, telephone number and e-mail address*]. Any district employee who receives a complaint that meets these criteria will promptly notify the Coordinator.

Investigation and Response

- The Title IX Coordinator will receive and investigate all formal, written complaints of sexual harassment or information in the coordinator's possession that they believe requires further investigation. The Coordinator will delegate his or her authority to participate in this process if such action is necessary to avoid any potential conflicts of interest. Upon receipt of a complaint, the Coordinator will provide the complainant a copy of this procedure.
- Investigations will be carried out in a manner that is adequate in scope, reliable and impartial. During the investigation process, the complainant and accused party or parties, if the complainant has identified an accused harasser(s), will have an equal opportunity to present witnesses and relevant evidence. Complainants and witnesses may have a trusted adult with them during any district-initiated investigatory activities. The school district and complainant may also agree to resolve the complaint in lieu of an investigation. When the investigation is completed, the Coordinator will compile a full written report of the complaint and the results of the investigation.

Superintendent Response

- The superintendent will respond in writing to the complainant and the alleged perpetrator within thirty (30) calendar days of receipt of the complaint, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, the district will notify the complainant in writing of the reason for the extension and the anticipated response date. At the time the district responds to the complainant, the district must send a copy of the response to the office of the superintendent of public instruction.
- The response of the superintendent or designee will include: 1) a summary of the results of the investigation; 2) a statement as to whether a preponderance of the evidence establishes that the complainant was sexually harassed; 3) if sexual harassment is found to have occurred, the corrective measures the district deems necessary, including assurance that the district will take steps to prevent recurrence and remedy its effects on the complainant and others, if appropriate; 4) notice of the complainant's right to appeal to the school board and the necessary filing information; and 5) any corrective measures the district will take, remedies for the complainant (e.g., sources of counseling, advocacy and academic support), and notice of potential sanctions for the perpetrator(s) (e.g., discipline).
- The superintendent's or designee's response will be provided in a language the complainant can understand and may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964. If the complaint alleges discriminatory harassment by a named party or parties, the coordinator will provide the accused party or parties with notice of the outcome of the investigation and notice of their right to appeal any discipline or corrective action imposed by the district.
- Any corrective measures deemed necessary will be instituted as quickly as possible, but in no event more than thirty (30) days after the superintendent's mailing of a written response, unless the accused is appealing the imposition of discipline and the district is barred by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded. Staff may also pursue complaints through the appropriate collective bargaining agreement process or anti-discrimination policy.
- The district will inform the complainant and their parent/guardian how to report any subsequent problems. Additionally, the district will conduct follow-up inquiries to see if there have been any new incidents or instances of retaliation, and to promptly respond and appropriately address continuing or new problems. Follow-up inquiries will follow a timeline agreed to by the district and complainant.

Level Two - Appeal to Board of Directors

Notice of Appeal and Hearing

- If a complainant disagrees with the superintendent's or designee's written decision, the complainant may appeal the decision to the district board of directors, by filing a written notice of appeal with the secretary of the board within ten (10) calendar days following the date upon which the complainant received the response.
- The board will schedule a hearing to commence by the twentieth (20th) calendar day following the filing of the written notice of appeal, unless otherwise agreed to by the complainant and the superintendent or for good cause.
- Both parties will be allowed to present such witnesses and testimony as the board deems relevant and material.

Board Decision

- Unless otherwise agreed to by the complainant, the board will render a written decision within thirty (30) calendar days following the filing of the notice of appeal and provide the complainant with a copy of the decision.
- The decision will be provided in a language that the complainant can understand which may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act.
- The decision will include notice of the complainant's right to appeal to the Superintendent of Public Instruction and will identify where and to whom the appeal must be filed. The district will send a copy of the appeal decision to the office of the superintendent of public instruction.

Level Three - Complaint to the Superintendent of Public Instruction

Filing of Complaint

- If a complainant disagrees with the decision of the board of directors, or if the district fails to comply with this procedure, the complainant may file a complaint with the superintendent of public instruction.
- A complaint must be received by the Superintendent of Public Instruction on or before the twentieth (20) calendar day following the date upon which the complainant received written notice of the board of directors' decision, unless the Superintendent of Public Instruction grants an extension for good cause. Complaints may be submitted by mail, fax, electronic mail, or hand delivery.
- A complaint must be in writing and include: 1) A description of the specific acts, conditions or circumstances alleged to violate applicable anti-sexual harassment laws; 2) The name and contact information, including address, of the complainant; 3) The name and address of the district subject to the complaint; 4) A copy of the district's complaint and appeal decision, if any; and 5) A proposed resolution of the complaint or relief requested. If the allegations regard a specific student, the complaint must also include the name and address of the student, or in the case of a homeless child or youth, contact information.

Investigation, Determination and Corrective Action

- Upon receipt of a complaint, the Office of the Superintendent of Public Instruction may initiate an investigation, which may include conducting an independent on-site review. OSPI may also investigate additional issues related to the complaint that were not included in the initial complaint or appeal to the superintendent or board.
- Following the investigation, OSPI will make an independent determination as to whether the district has failed to comply with RCW 28A.642.010 or Chapter 392-190, WAC and will issue a written decision to the complainant and the district that addresses each allegation in the complaint and any other noncompliance issues it has identified. The written decision will include corrective actions deemed necessary to correct noncompliance and documentation the district must provide to demonstrate that corrective action has been completed.

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

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

Level Four - Administrative Hearing

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

Other Complaint Options

Office for Civil Rights (OCR), U.S. Department of Education

OCR enforces several federal civil rights laws, which prohibit discrimination in public schools on the basis of race, color, national origin, sex, disability, and age. File complaints with OCR within 180 calendar days of the date of the alleged discrimination.

206-607-1600 | TDD: 1-800-877-8339 | OCR.Seattle@ed.gov | www.ed.gov/ocr

Washington State Human Rights Commission (WSHRC)

WSHRC enforces the Washington Law Against Discrimination (RCW 49.60), which prohibits discrimination in employment and in places of public accommodation, including schools. File complaints with WSHRC within six months of the date of the alleged discrimination.

1-800-233-3247 | TTY: 1-800-300-7525 | www.hum.wa.gov

Mediation

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

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

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

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

Training and Orientation

A fixed component of all district orientation sessions for staff, students and regular volunteers will introduce the elements of this policy. Staff will be provided information on recognizing and preventing sexual harassment. Staff will be fully informed of the formal and informal complaint processes and their roles and responsibilities under the policy and procedure.

Certificated staff will be reminded of their legal responsibility to report suspected child abuse, and how that responsibility may be implicated by some allegations of sexual harassment. Regular volunteers will get the portions of this component of orientation relevant to their rights and responsibilities.

Students will be provided with age-appropriate information on the recognition and prevention of sexual harassment and their rights and responsibilities under this and other district policies and rules at student orientation sessions and on other appropriate occasions, which may include parents.

As part of the information on the recognition and prevention of sexual harassment staff, volunteers, students and parents will be informed that sexual harassment may include, but is not limited to:

- Demands for sexual favors in exchange for preferential treatment or something of value;
- Stating or implying that a person will lose something if he or she does not submit to a sexual request;
- Penalizing a person for refusing to submit to a sexual advance, or providing a benefit to someone who does;
- Making unwelcome, offensive or inappropriate sexually suggestive remarks comments, gestures, or jokes; or remarks of a sexual nature about a person's appearance, gender or conduct;
- Using derogatory sexual terms for a person;
- Standing too close, inappropriately touching, cornering or stalking a person; or
- Displaying offensive or inappropriate sexual illustrations on school property.

Policy and Procedure Review

Annually, the superintendent or designee will convene an ad hoc committee composed of representatives of certificated and classified staff, volunteers, students and parents to review the use and efficacy of this policy and procedure. The compliance officer will be included in the committee. Based on the review of the committee, the superintendent will prepare a report to the board including, if necessary, any recommended policy changes. The superintendent will consider adopting changes to this procedure if recommended by the committee.

The following district staff are designated to receive Complaints which may be submitted by mail, fax, e-mail or hand-delivery:

Title IX and Compliance Coordinator:

Pam Banks

502 E. Spruce Ave, Montesano, WA 98563

Phone #360-249-3942

Fax #360-841-7198

Email: pbanks@monteschools.org

504/ADA Compliance Officer:

Shawn Brown

502 E. Spruce Ave, Montesano, WA 98563

Phone #360-249-3942

Fax #360-841-7198

Email: sbrown@monteschools.org

Revised Dates 4/18

Montesano School District No. 66

Regulation of Dangerous Weapons on School Premises

It is a violation of district policy and state law for any person to carry a firearm or dangerous weapon on school premises, school-provided transportation or areas of other facilities being used exclusively for school activities unless specifically authorized by state law. Carrying a dangerous weapon onto school premises, school-provided transportation, or areas of other facilities being used exclusively for school activities in violation of RCW 9.41.280 is a criminal offense.

The superintendent is directed to see that all school facilities post "Gun-Free Zone" signs, and that all violations of this policy and RCW 9.41.280 are reported annually to the Superintendent of Public Instruction.

Dangerous Weapons

The term "dangerous weapons" under state law includes:

- Any firearm;
- Any device commonly known as "nun-chu-ka sticks," consisting of two or more length of wood, metal, plastic, or similar substance connected with wire, rope, or other means;
- Any device, commonly known as "throwing stars," which are multi-pointed, metal objects designed to embed upon impact from any aspect;
- Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas;
- Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse;
- Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse;
- The following instruments:
 - Any dirk or dagger;
 - Any knife with a blade longer than three inches;
 - Any knife with a blade which is automatically released by a spring mechanism or other mechanical device;
 - Any knife having a blade which opens, or falls or is ejected into position by the force of gravity, or by outward, downward, or centrifugal thrust or movement; and
 - Any razor with an unguarded blade;
- Any slung shot, sandbag, or sandclub;
- Metal knuckles;
- A sling shot;
- Any metal pipe or bar used or intended to be used as a club;
- Any explosive;
- Any weapon containing poisonous or injurious gas;
- Any implement or instrument which 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.

Reporting Dangerous Weapons

An appropriate school authority will promptly notify the student's parents or guardians and the appropriate law enforcement agency of known or suspected violations of this policy. Students who violate this policy will be subject to discipline. Students who have possessed a firearm on any school premises, school-provided transportation, or school-sponsored activities at any facility shall be expelled for not less than one year pursuant to RCW 28A.600.420. The superintendent may modify the one-year expulsion for a firearm on a case-by-case basis.

The district may also suspend or expel a student for up to one year if the student acts with malice (as defined under RCW 9A.04.110) and displays a device that appears to be a firearm.

No expulsion under RCW 28A.600.420 prevents the district from continuing to provide educational services in an alternative educational setting in compliance with RCW 28A.600.015. Any alternative setting should be comparable, equitable, and appropriate to the regular education services a student would have received without the exclusionary discipline. Example alternative settings include one-on-one tutoring and online learning.

Exceptions to State Law and this Policy

The following persons may carry firearms into school buildings, as necessary, although students engaged in these activities are restricted to the possession of rifles on school premises:

- A. Persons engaged in military, law enforcement, or school district security activities;
- B. Persons involved in a school authorized convention, showing, demonstration, lecture or firearm safety course;
- C. Persons competing in school authorized firearm or air gun competitions; and
- D. Any federal, state or local law enforcement officer.

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

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

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

Personal Protection Spray

Persons over eighteen years of age, and persons between fourteen and eighteen years of age with written parental or guardian permission, may possess personal protection spray devices on school property. No one under eighteen years of age may deliver such devices. No one eighteen years or older may deliver a spray device to anyone under fourteen, or to anyone between fourteen and eighteen who does not have parental permission.

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

Cross References:

3240 - Student Conduct Expectations and Reasonable Sanctions
3241 - Classroom Management, Discipline and Corrective Action
4260 - Use of School Facilities

Legal References:

RCW 9A.16.020 Use of force - when lawful
RCW 9.41.250 Dangerous weapons—Penalty
RCW 9.41.280 Dangerous weapons on facilities—Penalty — Exceptions
RCW 9.91.160 Personal protection spray devices
RCW 9.94A.825 Deadly weapon special verdict--definition
RCW 28A.600.420 Firearms on school premises, transportation, or facilities — Penalty — Exemptions

Management Resources:

2016 - July Issue
Policy News, August 2006 Weapons on School Premises
Policy News, August 1998 State Encourages Modification of Weapons Policy
Policy News, October 1997 Legislature also addresses "look-alike" firearms

Adoption Date: Adopted/Revised 9/28/17

Classification: **Essential**

Revised Dates: **08.98; 08.06; 12.11; 07.16**

Montesano School District Nondiscrimination – Students - #3210

The district will provide equal educational opportunity and treatment for all students in all aspects of the academic and activities program without discrimination based on race, religion, creed, color, national origin, age, honorably-discharged veteran or military status, sex, sexual orientation, gender expression or identity, marital status, the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability. The district will provide equal access to school facilities to the Boy Scouts of America and all other designated youth groups listed in Title 36 of the United States Code as a patriotic society. District programs will be free from sexual harassment. 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 compliance officer designated to ensure compliance with this policy; and 3) the names and contact information of the district's Section 504 and Title IX compliance officers.

The district will annually publish notice reasonably calculated to inform students, students' parents/guardians (in a language that they can understand, which may require language assistance), and employees of the district's discrimination complaint procedure.

The superintendent will designate a staff member to serve as the compliance officer for this policy. The compliance officer will be responsible for investigating any discrimination complaints communicated to the district.

The district will provide training to administrators and certificated and classroom personnel regarding their responsibilities under this policy and to raise awareness of and eliminate bias and discrimination based on the protected classes identified in this policy.

District Contacts(s):

Title IX and Compliance Coordinator:

Pam Banks
502 E. Spruce Ave, Montesano, WA 98563
Phone #360-249-3942
Fax #360-841-7198
Email: pbanks@monteschools.org

504/ADA Compliance Officer:

Shawn Brown
502 E. Spruce Ave, Montesano, WA 98563
Phone #360-249-3942
Fax #360-841-7198
Email: sbrown@monteschools.org

Revised Dates: 12.06; 08.07; 02.11; 06.11; 12.12; 04.13; 12.13; 12.14; 01.15; 03.16; 4.18

Montesano School District
Procedure – Nondiscrimination - #3210

Anyone may file a complaint against the district alleging that the district has violated anti-discrimination laws. This complaint procedure is designed to assure that the resolution of real or alleged violations are directed toward a just solution that is satisfactory to the complainant, the administration and the board of directors. This grievance procedure will apply to the general conditions of the nondiscrimination policy (Policy 3210) and more particularly to policies dealing with guidance and counseling (Policy 2140), co-curricular program (Policy 2150), service animals in schools (Policy 2030) and curriculum development and instructional materials (Policy 2020). As used in this procedure:

Grievance means a complaint which has been filed by a complainant relating to alleged violations of any state or federal anti-discrimination laws.

A. **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.

B. **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 Superintendent of Public Instruction

If a complainant disagrees with the decision of the board of directors, or if the district fails to comply with this procedure, the complainant may file a complaint with the superintendent of public instruction.

1. A complaint must be received by the Superintendent of Public Instruction on or before the twentieth (20) calendar day following the date upon which the complainant received written notice of the board of directors' decision, unless the Superintendent of Public Instruction grants an extension for good cause. Complaints may be submitted by mail, fax, electronic mail, or hand delivery.
2. A complaint must be in writing and include: 1) A description of the specific acts, conditions or circumstances alleged to violate applicable anti-discrimination laws; 2) The name and contact information, including address, of the complainant; 3) The name and address of the district subject to the complaint; 4) A copy of the district's complaint and appeal decision, if any; and 5) A proposed resolution of the complaint or relief requested. If the allegations regard a specific student, the complaint must also include the name and address of the student, or in the case of a homeless child or youth, contact information.
3. Upon receipt of a complaint, the Office of the Superintendent of Public Instruction may initiate an investigation, which may include conducting an independent on-site review. OSPI may also investigate additional issues related to the complaint that were not included in the initial complaint or appeal to the superintendent or board. Following the investigation, OSPI will make an independent determination as to whether the district has failed to comply with RCW 28A.642.010 or Chapter 392-190, WAC and will issue a written decision to the complainant and the district that addresses each allegation in the complaint and any other noncompliance issues it has

identified. The written decision will include corrective actions deemed necessary to correct noncompliance and documentation the district must provide to demonstrate that corrective action has been completed.

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

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

Level Four - Administrative Hearing

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

C. Mediation

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

The purpose of mediation is to provide both the complainant and the district an opportunity to resolve disputes and reach a mutually acceptable agreement through the use of an impartial mediator. Mediation must be voluntary and requires the mutual agreement of both parties. It may be terminated by either party at any time during the mediation process. It may not be 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.

The following district staff are designated to receive Complaints which may be submitted by mail, fax, e-mail or hand-delivery: Title IX and Compliance Coordinator: Pam Banks

502 E. Spruce Ave, Montesano, WA 98563

Phone #360-249-3942, Fax #360-841-7198

Email: pbanks@monteschools.org

504/ADA Compliance Officer: Shawn Brown

502 E. Spruce Ave, Montesano, WA 98563

Phone #360-249-3942, Fax #360-841-7198

Email: sbrown@monteschools.org

Montesano School District No. 66

Nondiscrimination and Affirmative Action

Nondiscrimination

The district will provide equal employment opportunity and treatment for all applicants and staff in recruitment, hiring, retention, assignment, transfer, promotion and training. Such equal employment opportunity will be provided without discrimination with respect to race, creed, religion, color, national origin, age, honorably-discharged veteran or military status, sex, sexual orientation including gender expression or identity, marital status, the presence of any sensory, mental or physical disability or the use of a trained dog guide or service animal by a person with a disability.

This non-discrimination statement applies to employment opportunities and all students who are interested in participating in educational programs and/or extracurricular school activities to include the Boy Scouts of America and other designated youth groups.

The superintendent will designate a staff member to serve as the compliance officer.

Affirmative Action

The district, as a recipient of public funds, is committed to undertake affirmative action which will make effective equal employment opportunities for staff and applicants for employment. Such affirmative action will include a review of programs, the setting of goals and the implementation of corrective employment procedures to increase the ratio of aged, persons with disabilities, ethnic minorities, women and Vietnam veterans who are under-represented in the job classifications in relationship to the availability of such persons having requisite qualifications. Affirmative action plans may not include hiring or employment preferences based on gender or race, including color, ethnicity or national origin. Such affirmative action will also include recruitment, selection, training, education and other programs.

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

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

Employment of Persons with Disabilities

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

- A. No qualified person with disabilities will, solely by reason of a disability, be subjected to discrimination and the district will not limit, segregate or classify any applicants for employment or any staff member in any way that adversely affects his/her opportunities or status because of a disability. This prohibition applies to all aspects of employment from recruitment to promotions, and includes fringe benefits and other elements of compensation;

- B. The district will make reasonable accommodation to the known physical or mental limitations of an otherwise qualified disabled applicant or staff member unless it is clear that an accommodation would impose an undue hardship on the operation of the district program. Such reasonable accommodations may include:
1. Making facilities used by staff readily accessible and usable by persons with disabilities; and
 2. Job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or interpreters and other similar actions. In determining whether or not accommodation would impose an undue hardship on the district, factors to be considered include the nature and cost of the accommodation;
- C. The district will not make use of any employment test or criteria that screens out persons with disabilities unless:
1. The test or criteria is clearly and specifically job-related; and
 2. Alternative tests or criteria that do not screen out persons with disabilities are available;
- D. While the district may not make pre-employment inquiry as to whether an applicant has a disability or as to the nature and severity of any such disability, it may inquire into an applicant's ability to perform job-related functions; and
- E. Any staff member who believes that there has been a violation of this policy or the law prohibiting discrimination because of a disability may initiate a grievance through the procedures for staff complaints.

Nondiscrimination for Military Service

The district will not discriminate against any person who is a member of, applies to be a member or performs, has performed, applies to perform or has an obligation to perform service in a uniformed service, on the basis of that participation in a uniformed service. This includes initial employment, retention in employment, promotion or any benefit of employment. The district will also not discriminate against any person who has participated in the enforcement of these rights under state or federal law.

Cross References: Board Policy 2030
 Board Policy 5270
 Board Policy 5407

Service Animals in Schools
Resolution of Staff Complaints
Military Leave

Legal References: RCW 28A.400.310
 RCW 28A.640.020

 RCW 28A.642
 RCW 49.60

 RCW 49.60.030

 RCW 49.60.180
 RCW 49.60.400

 RCW 73.16

Law against discrimination applicable to districts' employment practices
Regulations, guidelines to eliminate discrimination — Scope — Sexual harassment policies
Discrimination prohibition
Discrimination — Human rights commission
Freedom from discrimination — Declaration of civil rights
Unfair practices of employers
Discrimination, preferential treatment prohibited
Employment and Reemployment

WAC 392-190

WAC 392-190-0592

42 USC §§2000e1 – 2000e10

20 USC §§1681 - 1688

42 USC 12101 – 12213

8 USC §1324

38 USC §§ 4301-4333

29 USC§ 794

34 CFR § 104

Equal Education Opportunity – Unlawful
Discrimination Prohibited
Public school employment — Affirmative
action program

Title VII of the Civil Rights Act of 1964
Title IX Educational Amendments of 1972
Americans with Disabilities Act
(IRCA) Immigration Reform and Control
Act of 1986
Uniformed Services Employment and
Reemployment Rights Act
Vocational Rehabilitation Act of 1973
Nondiscrimination on the basis of handicap
in Programs or activities receiving
federal financial assistance

Management Resources:

Policy News, June 2011

Policy News, February 2011

Policy News, August 2007

Policy News, June 2001

Laws Against Discrimination Address
Equal Education Opportunities
Nondiscrimination
Washington's Law Against
Discrimination
State Updates Military Leave Rights

School District Name: Montesano
Revised: 12.00; 06.01; 08.07; 02.11; 06.11; 04.13
Classification: Priority

Montesano School District No. 66

Drug-Free Schools, Community and Workplace

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

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

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

- A. Reporting to work under the influence of alcohol, marijuana, illegal chemical substances or opiates.
- B. Using, possessing, transmitting alcohol or marijuana, illegal chemical substances (including anabolic steroids) or opiates in any amount or in any manner on district property at any time or when involved in a school district activity on or off school district property. Any staff member convicted of a felony attributable to the use, possession, or sale of illegal chemical substances or opiates will be subject to disciplinary action, including immediate termination.
- C. Using district property or the staff member's position within the district to make or traffic alcohol, marijuana, illegal chemical substances or opiates.
- D. Using, possessing or transmitting illegal chemical substances and opiates in a manner which is detrimental to the interest of the district.

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

As a condition of employment, each employee will notify his or her supervisor of a conviction under any criminal drug statute violation occurring in the workplace as defined above. Such notification will be provided no later than 5 days after such conviction. The district will inform the federal government within ten days of such conviction, regardless of the source of the information.

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

school district incur any financial obligation for treatment or rehabilitation ordered as a condition of eligibility for reinstatement.

The district may notify law enforcement agencies regarding to a staff member's violation of this policy at the district's discretion or take other actions as it the district deems appropriate.

Cross References:	Board Policy 4215	Use of Tobacco and Nicotine Substances on School Property
	Board Policy 5203	Staff Assistance Program
	Board Policy 5280	Termination of Employment
Legal References:	<u>RCW 69.50.435</u>	Violations committed in or on certain public places or facilities — Additional penalty — Defenses — Construction — Definitions
	<u>41 U.S.C. §§ 701-707</u>	Drug Free Workplace Act of Subtitle D 1988 and as amended in 1989
	<u>21 U.S.C. § 812</u>	Controlled Substance Act
	<u>20 U.S.C §§ 7101-7118</u>	Safe and Drug-Free Schools and Communities Act
Management Resources:	<i>Policy News</i> , December 2011	Changes in WSSDA's <i>Policy Reference Manual</i>
	<i>Policy News</i> , February 1999	Bus drivers still tested for marijuana

Adoption Date: January 17, 2013
School District Name: Montesano
Revised: 04.98; 12.11
Classification: Essential

Montesano School District Nol. 66

Sexual Harassment

This district is committed to a positive and productive education and working environment free from discrimination, including sexual harassment. The district prohibits sexual harassment of students, employees and others involved in school district activities.

Sexual harassment occurs when:

- A. Submitting to the harasser's sexual demands is a stated or implied condition of obtaining an education or work opportunity or other benefit;
- B. Submission to or rejection of sexual demands is a factor in an academic, work or other school-related decision affecting an individual; or
- C. Unwelcome sexual or gender-directed conduct or communication interferes with an individual's performance or creates an intimidating, hostile or offensive environment.

Sexual harassment can occur adult to student, student to adult, student to student, adult to adult, male to female, female to male, male to male and female to female.

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. Allegations of criminal misconduct will be reported to law enforcement and suspected child abuse will be reported to law enforcement or Child Protective Services. Persons found to have been subjected to sexual harassment will have appropriate school district services made reasonably available to them and adverse consequences of the harassment will be reviewed and remedied, as appropriate.

Engaging in sexual harassment will result in appropriate discipline or other appropriate sanctions against offending students, staff and contractors. 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 against any person who makes or is a witness in a sexual harassment complaint is prohibited and will result in appropriate discipline. The district will take appropriate actions to protect involved persons from retaliation.

It is a violation of this policy to knowingly report false allegations of sexual harassment. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline.

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

The 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 will be posted in each district building in a place available to

staff, students, parents, volunteers and visitors. The policy will be reproduced in each student, staff, volunteer and parent handbook.

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

Cross References:	Board Policy 3207	Prohibition of Harrassment, Intimidation and Bullying
	3210	Nondiscrimination
	3240	Student Conduct
	3421	Child Abuse, Neglect and Exploitation Prevention
	5010	Nondiscrimination and Affirmative Action
	5281	Disciplinary Action and Discharge
Legal References:	RCW 28A.640.020	Regulations, guidelines to eliminate discrimination — Scope—Sexual harrassement policies
	WAC 392-190-056-058	Sexual harassment
Management Resources:		
	<i>Policy News</i> , October 2011	Policy Manual Revisions

MONTESANO SCHOOL DISTRICT
NOTIFICATION OF RIGHTS UNDER FERPA FOR
ELEMENTARY AND SECONDARY INSTITUTIONS

The Montesano School District is required by Section 99.7 of Federal regulations title, Family Educational Rights and Privacy Act (FERPA) to provide parents annual notification of their FERPA rights.

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

- (1) The right to inspect and review the student's education records within 45 days of the day the School 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 School official 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 the student's education records that the parent or eligible student believes are inaccurate. Parents or eligible students may ask the School to amend a record that they believe is inaccurate. They should write the School principal [or appropriate school official], clearly identify the part of the record they want changed, and specify why it is inaccurate. If the School decides not to amend the record as requested by the parent or eligible student, the School 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 School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the School 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. When a student seeks or intends to enroll in another school district, the Montesano School District will make a reasonable attempt to notify the parent/guardian or student of the records requested from another school district prior to sharing this information.
- (4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, DC 20202-4605.

Questions, concerns or requests for additional information regarding FERPA may be forwarded to: Dan Winter, Superintendent, 302 North Church Street, Montesano, WA 98563, (360)249-3942.

This notice is available in other languages upon request.

Rights under the Protection of Pupil Rights Amendment (PPRA)

PPRA affords parents and students who are 18 or emancipated minors ("eligible students") certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

Consent before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)

1. Political affiliations or beliefs of the student or student's parent;
2. Mental or psychological problems of the student or student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or parents; or
8. Income, other than as required by law to determine program eligibility.

Receive notice and an opportunity to opt a student out of--

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

Inspect, upon request and before administration or use --

1. Protected information surveys of students;
2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
3. Instructional material used as part of the educational curriculum.

The Montesano School District will develop and adopt policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. The Montesano School District will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. The Montesano School District will also directly notify, such as through U.S. mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. The Montesano School District will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

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. 20202-5901

**Montesano School District
Annual Pesticide Notification**

Dear Parents, Students and Staff of the Montesano School District:

The Montesano School District complies with RCW 17.21.415 which requires schools to annually notify parents, students and employees when the district will be using pesticides on district property or in district facilities. The district has a policy and procedure in place which requires pre-notification of **48 hours** in the event of any pesticide application. In addition, signs will be posted at the sites of pesticide applications.

In the event of a necessary application of a pesticide while school is in session, a pre-notification will be sent home with each student 48 hours in advance of the application. The pre-notification will include the following information:

- a. The product name of the pesticide to be applied
- b. The intended date and time of application;
- c. The location to which the pesticide is to be applied;
- d. The pest to be controlled; and
- e. The name and phone number of a contact person at the school.

The pre-notification requirements do not apply if the school facility application is made when the school is not occupied by students for at least two consecutive days after the application. The pre-notification requirements do not apply to any emergency school facility application for control of any pest that poses an immediate human health or safety threat, such as an application to control stinging insects. When an emergency school facility application is made, notification consistent with the district's notification system shall occur as soon as possible after the application. The notification will include information consistent with the normal pre-notification requirements. The Montesano School District is not liable for the removal of signs by unauthorized persons.

A copy of the district's procedure for pesticide notification, posting and record keeping requirements is attached for your review. An annual pesticide summary report is available upon request. You may contact Scott Martin, the district's Maintenance Supervisor for further information at 360.249.3942.

Dan Winter
Superintendent
Montesano School District

ADA GRIEVANCE PROCEDURES

The following grievance procedures are established to, and shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards and to assure that the District complies with the American's with Disabilities Act.

A complaint alleging a violation of the American's with disabilities Act is to be filed in writing, contain the name and address of the person filing, and briefly describe the allege violation of the regulations. The complaint should be addressed to:

Shawn Brown
Student Services Director
ADA/504 Compliance Coordinator
302 N. Church St.
Montesano, WA 98563
sbrown@monteschools.org

Students, and/or parents/guardians, staff or other individuals acting on behalf of students of the district are eligible to participate in this complaint procedure. This complaint procedure is designed to assure that the resolution of real or alleged violations are directed toward a just solution that is satisfactory to the complainant, the administration and the board of directors. This grievance procedure will apply to the general conditions of the nondiscrimination policy (Policy No. 3210) and more particularly to policies dealing with guidance and counseling (Policy No. 2140), co-curricular program (Policy No. 2150), service animals in schools (Policy No. 2030) and curriculum development and instructional materials (Policy No. 2020). As used in this procedure:

- A. **"Grievance"** will mean a complaint which has been filed by a complainant (a student, an employee, a parent or guardian) relating to alleged violations of any state or federal anti-discrimination laws; and
- B. **"Complaint"** will mean a charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws. A respondent will mean the person alleged to be responsible or who may be responsible for the violation alleged in the complaint.

The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint. To this end, specific steps will be taken.

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.

A. Level One

A written complaint must be signed by the complainant and set forth the specific acts, conditions or circumstances alleged to be in violation. Upon receipt of a complaint, the compliance officer shall investigate the allegations set forth within 30 calendar days.

The school district and complainant may agree to resolve the complaint in lieu of an investigation. The officer shall provide the superintendent with a full written report of the complaint and the results of the investigation. The superintendent shall respond in writing to the complainant as expeditiously as possible, but in no event later than 30 calendar days following receipt of the written complaint. The response of the superintendent will include notice of the complainant's right to appeal to the school board, and will identify where and to whom the appeal must be filed.

The superintendent's written response shall state that the district either:

1. Denies the allegations contained in the written complaint received by the district;
or
2. Shall implement reasonable corrective measures to eliminate any such act, condition, or circumstance within the school district.

Such 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.

B. Level Two

If a complainant disagrees with the superintendent's written decision or if the superintendent fails to respond, the complainant may appeal to the district board of directors by filing a written notice of appeal with the secretary of the board by the tenth calendar day following:

1. The date upon which the complainant received the superintendent's response; or
2. The expiration of the 30-calendar day response period stated in Level One, whichever occurs first.

The board shall schedule a hearing to commence by the 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. The board will render a written decision by the tenth calendar day following the termination of the hearing and will provide a copy to the complainant, unless otherwise agreed to by the complainant and the superintendent or for just cause. The response of the board 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.

C. Level Three

If a complainant disagrees with the decision of the board of directors in connection with any matter which, if established, would constitute a violation, the complainant may appeal the board's decision to the Superintendent of Public Instruction.

1. A notice of appeal must be received by the Superintendent of Public Instruction on or before the 20th day following the date upon which the complainant received written notice of the board of directors' decision.
2. A notice of appeal must be in writing in the form required by the Superintendent of Public Instruction and must set forth:
 - a. A concise statement of the original complaint and the portions of the board of director's decision which is appealed; and
 - b. The relief requested by the complainant.

D. Other

If the complainant remains aggrieved they may seek resolution with federal or state agencies empowered with the authority to resolve such complaint.

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.

Date: 06.11

Montesano School District 66
Annual Parent Notice
Right to Request Teacher Qualifications

School: _____ Date: _____

Dear Parent or Guardian:

Our school receives federal funds for Title I programs that are part of the *No Child Left Behind Act of 2001*. Throughout the school year, we will continue to provide you with important information about this law and your child's education.

You have the right to request information regarding the professional qualifications of your child's classroom teacher(s). If you request this information, the district or school will provide you with the following as soon as possible:

- a. if the teacher has met state licensing requirements for the grade level and subjects in which the teacher is providing instruction;
- b. if the teacher is teaching under an emergency status for which state licensing requirements have been waived;
- c. the type of college degree major of the teacher and the field of discipline for any graduate degree or certificate; and
- d. if your child is receiving Title I services from paraprofessionals and, if so, his/her qualifications.

If you would like to request this information, please contact your child's school.

Thank you for your interest and involvement in your child's education.

Sincerely,

Name

Title

Telephone Number

Email Address

OFFICE USE ONLY		
Student ID #	Date Distributed	



PUBLIC NOTICE

Montesano School District Provides Equal Opportunity for Employment and all Educational Programs and Activities.

The Montesano School District No. 66 complies with all federal and state rules and regulations and does not discriminate on the basis of race, creed, religion, color, national origin, sex, sexual orientation including gender expression or identity, veteran or military status, marital status, age, presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability. This non-discrimination statement applies to employment opportunities and all students who are interested in participating in educational programs and/or extracurricular school activities to include the Boy Scouts of America and other designated youth groups.

Questions, concerns, complaints or inquiries regarding compliance, appeal and/or grievance procedures may be directed to Montesano School District's Title IX/RCW 28A.640/Compliance Coordinator:

Pam Banks, Human Resources
502 E. Spruce Ave, Montesano, WA
(360) 249-3942
pbanks@monteschools.org

In accordance with RCW 28A.405.070, the Montesano School District is a tobacco-free and drug-free environment.

As required by Title II of the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973 (Section 504), The Montesano School District complies with these federal civil rights statutes which prohibit discrimination on the basis of disability, admission and access to, and treatment and employment in the agency's programs and/or activities.

Questions, concerns, complaints and/or requests for additional information or accommodations needed for a disability, may be forwarded to Montesano School District's ADA and/or Section 504 Coordinator:

Shawn Brown, Director of Teaching and Learning - Student Services Dept.
502 E. Spruce Ave, Montesano, WA
(360) 249-2114
sbrown@monteschools.org

This notification is available in other languages upon request.