



Employee Handbook

Arlington Public Schools
315 N French Ave
Arlington, WA 98223

Revised January 2019

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PURPOSE

The purpose of this handbook is to provide information and guidance that will help employees in understanding what can be expected from the District and what the District expects from employees. This handbook has been developed to provide policies, procedures, and rules required to provide a quality education for our students and a safe working environment for our employees. The employee handbook describes the professional expectations and necessary conditions for our very important work together – the teaching and learning of our students.

This handbook is neither a contract nor a substitute for the official District Board Policy Manual. The District reserves the right to modify, revoke, suspend, terminate, or change any or all such plans, policies, or procedures. It is not intended to alter the at-will status of non-contracted employees in any way. Rather, it is a guide to and a brief explanation of District policies and procedures related to employment. These policies and procedures can change at any time; these changes shall supersede any handbook provisions that are not compatible with the change. For more information, employees may refer to the Board Policies that are associated with handbook topics, confer with their supervisor, or call the appropriate District office department. Copies of School Board Policies and Administrative Regulations are available to all personnel and are on the APS website at <http://www.asd.wednet.edu>.

It is important that each employee is aware of the policies and procedures related to his/her position. The information in this Handbook is subject to change and changes in District policies may supersede, modify, or eliminate the information summarized in this Handbook. Staff input regarding the content of this manual is appreciated and updates will be made as needed.

Our primary business is the education of our youth, and everything we do should be directed toward providing students with the best possible learning environment.

OUR MISSION STATEMENT

Arlington Public Schools educates all students, preparing and inspiring them to graduate and seek their full potential as lifelong learners.

DISTRICT NORMS

- Assume positive intent
- Be professional in all interactions
- Be kinder than necessary
- Be fully present and engaged
- Be prepared

SCHOOL INFORMATION

The Board of Directors

The Board of Directors of the District is composed of five district citizens elected by district voters for four year terms and two student representatives. One student representative is selected each year to serve a two-year term.

One of the Board's duties is to approve all new employees before their employment is considered official.

The Board generally holds meetings at 6:00 pm on the second and fourth Mondays of each month in the Arlington School District Administration Office Board Room, 2nd Floor, 315 North French Avenue in Arlington. The full meeting schedule, agendas, meeting packets, and minutes can be found on the District website at www.asd.wednet.edu/boardmeetings.

Business meetings are open to the public except in certain circumstances when the Board is allowed to meet in private. The law permits holding closed Executive Sessions or meetings for discussion of personnel, confidential student matters, collective bargaining, real estate, and legal issues.

The current members are:

Kay Duskin, Board President – District 4
360-425-5201
kduskin@asd.wednet.edu

Jim Weiss, Vice President - District 2
360-435-4655
jweiss@asd.wednet.edu

Judy Fay, Director – District 3
360-540-7969
jfay@asd.wednet.edu

Dr. Jeff Huleatt, Director – District 1
360-435-2786
jhuleatt@asd.wednet.edu

Marc Rosson, Director - District 5
425-238-6582
mrosson@asd.wednet.edu

Brooklynn Hill
Student Advisor to the Board of Directors

Annika Hatfield
Student Advisor to the Board of Directors

Dr. Chrys Sweeting, Superintendent
Serving as Board Secretary
360-618-6201
csweeting@asd.wednet.edu

Important Phone Numbers

Superintendent's Cabinet Members

Dr. Chrys Sweeting
Superintendent
360-618-6201

Kathy Ehman
Assistant Superintendent
360-618-6228

Gina Zeutenhorst, Executive Director of
Financial Services
360-618-6203

Kari Henderson-Burke
Executive Director of Teaching
and Learning
360-618-6220

Eric DeJong, Executive Director of
Human Resources
360-618-6212

Brian Lewis
Executive Director of Operations
360-618-6238

Gary Sabol
Director of Communications
360-618-6217

District Leadership Team Members

Brian Long
Director of College and Career Readiness
360-618-6300

Dave McKellar
Director of Special Education
360-618-6209

Ed Aylesworth, Director of
Support Services & Child Nutrition
360-618-6213

Mark Ehrhardt
Director of Technology
360-618-6211

Cheryl Power
Transportation Supervisor
360-435-1268

Terri Bookey, Director of Categorical Programs
and Early Childhood Learning
360-618-6210

Arlington Public Schools

APPLE Preschool
Carrie Saunders, Director
360-618-6434

Arlington High School
Duane Fish, Principal
360-618-6300

Eagle Creek Elementary
Bethany Belisle, Principal
360-618-6270

Haller Middle School
Trevor Summers, Principal
360-618-6400

Kent Prairie Elementary
Karl Olson, Principal
360-618-6260

Pioneer Elementary
Kerri Helgeson, Principal
360-618-6230

Post Middle School
Voni Walker, Principal
360-618-6450

Presidents Elementary
Derek Larsen, Principal
360-618-6240

Stillaguamish Valley Learning Center
Andrea Dixon, Assistant Principal
360-618-6440

Weston High School
Will Nelson, Principal
360-618-6340

Athletic Offices

Arlington High School, Tom Roys, Athletic Director: 360-618-6313

Haller Middle School, Sally Schroeder, Athletic Director: 360-618-6403

Post Middle School, Paul Dobberfuhl, Athletic Director: 360-618-6453

Who To Call

Contact Human Resources Department at ext. 1208 for information and questions regarding:

- Change of address or phone number
- Contracts
- Expiration date of required certificate
- Verification of employment
- Resignation or retirement
- Salary schedule
- Scheduled work days

Contact Human Resources Department at ext. 1236 for information and questions regarding:

- Badges
- Coaching
- Fingerprints
- Para Pro Assessment
- Personnel file
- Recruitment – online applications
- Safe Schools
- Student teachers

Contact Benefits Specialist at ext. 1226 for information and questions regarding:

- Benefit Forms
- Employee benefits and dependent coverage
- FMLA leave
- Leave balances (sick and vacation leave)
- Leave requests and procedures
- Request for shared leave
- Workmen Compensation claims

Contact Payroll or Finance Department at ext. 1225 for information and questions regarding:

- Assistance to understand your pay
- Direct deposit
- Monthly payroll deductions
- Retirement enrollment
- Tax sheltered annuities – 403B
- Time sheets
- W2 (Year End)
- W4 changes

Contact staff directly regarding the following Special Programs:

- Alternative Programs at ext. 1215
- Child Find (age: birth-21) at ext. 1215
- ELL Program at ext. 1215
- Free and Reduced Lunch Applications at ext. 4432
- Health Services at ext. 1214
- Home/Hospital Instruction at ext. 1214
- McKinney-Vento Homeless Assistance at ext. 1214
- Section 504 Plans at ext. 1215

For other questions regarding:

- Retirement – for general questions call Washington State Department of Retirement Systems at 800-547-6657
- Union Dues – contact your appropriate union representative

Expectations

The District expects its employees to produce quality work, maintain confidentiality, work efficiently, and exhibit a professional and courteous attitude toward other employees, parents, and students. The District expects employees to comply with all applicable Board policies, work rules, job descriptions, terms of this handbook, legal obligations, and State of Washington Code of Professional Conduct Chapter 181-87 WAC.

EMPLOYMENT

Background Check and Fingerprint Requirements

In June of 1992, a Washington State law was passed that requires any person hired by a school district who has regularly scheduled unsupervised access to children to be fingerprinted for a State and National background check. Since all school district employees have the potential to have access to children, all new employees must be fingerprinted. An employee may be exempt from this requirement only if they have been fingerprinted for a Washington State school district within the last two (2) years and those prints are accessible from OSPI. A Washington State Patrol check will also be conducted. Employment is contingent upon a successful background check as well as School Board approval. *Board Policy 5005*

Badges – Employee Identification

The District provides employees with an employee identification badge. Employees **must** wear their employee identification badges in a visible spot during their contracted work time. Employee identification badges are an important part of employee work attire. They allow students, parents, coworkers, vendors, and the public to know who employees are. They are an important part of providing a secure environment for our students. Employees at Haller Middle School and Arlington High School will be issued a Sonitrol ID badge which allows doors to be unlocked without keys. ***Please be diligent in keeping track of your staff id badge.*** In any event that there is a lost or misplaced id badge, please notify the building secretary immediately. Employees will be charged \$10 for lost badges.

Certification & Licensure

Each employee who is required to be licensed or certified by law must provide the District with a copy of the current license or certificate to be maintained in his or her personnel file. It is solely the employee's responsibility to maintain a valid certification. Employees are expected to know the expiration date of their license/certification and are responsible for meeting the requirements for re-licensure or certification in a timely manner. A teaching contract with any person not legally authorized to teach the named subject or at the named school shall be void. All teaching contracts shall terminate if, and when, the authority to teach terminates. If a current teaching license for their teaching position is not on file with the District before the first day of school requiring student contact, the teacher may be released from employment by the School Board. *Board Policy 5005*

For questions regarding certification issues contact:

OSPI Certification
www.k12.wa.us/certification/e_cert
360-725-6400

Change in Personal Information

Please notify your building principal and the Human Resources office if any of the following information changes: name, marital status, number of dependents, address or telephone number, or person to be contacted in case of emergency.

Clock Hour Information

Salary Placement

- Salary placement is based on the number of credits and clock hours earned after the awarding of the first Bachelor's degree, as well as the number of verified certificated years of experience.
- Salary advancement adjustments are made in the fall based on the following guidelines: Coursework must be completed by October 1st. Official transcripts are due in Human Resources no later than close of business November 1st in order to advance on the salary schedule for the current year. Payments for salary advancement will retro back to the first contracted day of the current school year. New hires have 90 days from their date of hire.
- You will be issued a new Payroll Authorization in place of reissuing a new contract.

Transcripts, Credits and Clock Hours

- College/university transcripts must be "official" and sealed.
- For salary placement, all college/university credits are counted in quarter hours. One semester equals one and one-half quarter credits.
- It is recommended you order two transcripts to be sent to your home - one for your personal use and one to be submitted to Human Resources.
- Credits must be earned through an accredited college or university.
- Clock hour courses must be offered by a Washington State approved clock hour provider.
- Ten clock hours are equivalent to one quarter credit on the salary schedule.
- Clock hour classes must be a minimum of three hours to be eligible for recognition.
- Other than for salary advancement, clock hours are applicable only to the renewal of a continuing or professional certificate, not to the renewal of an initial or residency certificate.

Course Credit Approval Forms are no longer needed. Human Resources will assign the required criteria. The criteria must meet one of the following:

1. Consistent with a school-based plan for mastery of student learning, goals as referenced in RCW 28A.320.205, the annual school performance report, for the school in which the individual is assigned.
2. Pertains to the individual's current assignment or expected assignment for the subsequent school year.
3. Necessary for obtaining an endorsement as prescribed by the Washington Professional Educator Standards Board.
4. Specifically required for obtaining advance levels of certification.
5. Included in a college or university degree program that pertains to the individual's current assignment or potential future assignment as a certificated instructional staff.

6. Addresses research-based assessment and instructional strategies for students with dyslexia, dysgraphia, and language disabilities when addressing learning goal one under RCW 28A.150.210, as applicable and appropriate for individual certificated instructional staff.

Certificated Experience Earned outside of Arlington School District

- For certificated experience that is earned outside of Arlington School District to be considered for salary placement, previous employers must complete and submit a “Verification of Professional Employment” form and send to Human Resources.
- It is the employee’s responsibility to submit a “Verification” form to their previous educational employers to complete.
- Certificates - All applicable certificates must be current (valid). It is important for certificated employees to monitor the expiration date of their certificates. Arlington School District does not maintain a tracking system for the 150 clock hours necessary to renew your certificate.
- A valid Washington State Teaching Certificate or Temporary Teaching Permit. Washington State does not provide the District a copy of your certificate/permit. It is the employee's responsibility to ensure a valid Washington State Certificate/Permit is on file in Human Resources prior to your first work day.

Collective Bargaining Agreements and Groups

For those employees represented by a bargaining unit, work activities are subject to a collective bargaining agreement between the District and an employee organization. Represented employees may access the most recently negotiated and executed agreements on the District’s website or from their bargaining representative. The District encourages represented employees to review these documents carefully.

The majority of employees of Arlington Public Schools fall within two collective bargaining groups:

Arlington Education Association (AEA, part of Washington Education Association)

This association represents non-supervisory certificated employees such as teachers, certificated school nurses, counselors, psychologists, and other certificated specialists. The AEA representatives bargain with respect to wages, hours, and terms and conditions of employment with the District, Superintendent, and the School Board. All new non-supervisory certificated employees will be contacted regarding membership. There will be a monthly payroll deduction for union dues.

Public School Employees of Arlington (PSE, part of Public School Employees of Washington State)

This bargaining unit consists of classified employees in the general job classifications: office personnel, individual classification, child nutrition, technology, custodial, maintenance, non-certificated school nurses, and transportation. The PSE representatives bargain with respect to wages, hours, and terms and conditions of employment with the District, Superintendent, and the School Board. All new classified employees will be contacted regarding membership. There will be a monthly payroll deduction for local membership dues, as well as state union dues.

Electronic Resources/Technology Use/Internet Safety

To promote Internet safety and appropriate online behavior of students and staff as they use electronic resources and access material from the Internet, the Superintendent or designee will develop Internet safety procedures, acceptable use guidelines, and, for students, related instructional materials for every grade level. The Superintendent or designee in evaluating such procedures and instructional materials should take into account District electronic resources, community norms, privacy rights, responsible use, and issues of concern with student or staff use of electronic resources.

When students use the Internet from school facilities for educational purposes, District staff will make a reasonable effort to supervise student access and use of the Internet. If material is accessed that violates District policies, procedures or student guidelines for electronic resources or acceptable use, District staff may instruct the person

to cease using that material and/or implement sanctions consistent with District policies, procedures, guidelines, and/or student codes of conduct.

Board Policy 2022/2022P

K-20 Network Acceptable Use Guidelines/Internet Safety Requirements

These procedures are written to support the Electronic Resources Policy of the Board of Directors and to promote positive and effective digital citizenship among students and staff. Digital citizenship represents more than technology literacy. Successful, technologically-fluent digital citizens live safely and civilly in an increasingly digital world. They recognize that information posted on the Internet is public and permanent and can have a long-term impact on an individual's life and career. Expectations for student and staff behavior online are no different than face-to-face interactions.

Use of Personal Electronic Devices

In accordance with all District policies and procedures, students and staff may use personal electronic devices (e.g. laptops, mobile devices and e-readers) to further the educational and research mission of the District. School staff will retain the final authority in deciding when and how students may use personal electronic devices on school grounds and during the school day.

Network

The District network includes wired and wireless devices and peripheral equipment, files and storage, e-mail and Internet content (blogs, websites, collaboration software, social networking sites, wikis, etc.). The District reserves the right to prioritize the use of, and access to, the network. All use of the network must support education and research and be consistent with the mission of the District.

Acceptable network use by District students and staff includes:

- A. Creation of files, digital projects, videos, web pages, and podcasts using network resources in support of education and research;
- B. Participation in blogs, wikis, bulletin boards, social networking sites and groups and the creation of content for podcasts, e-mail and webpages that support education and research;
- C. With parental permission, the online publication of original educational material, curriculum related materials and student work. Sources outside the classroom or school must be cited appropriately;
- D. Staff use of the network for incidental personal use in accordance with all District policies and procedures;
- E. Connection of personal electronic devices (wired or wireless), including portable devices with network capabilities, to the District network after checking with the Director of Technology to confirm that the device is equipped with up-to-date virus software, compatible network card and is configured properly. Connection of any personal electronic device is subject to all procedures in this document.

Unacceptable network use by District students and staff includes, but is not limited to:

- A. Personal gain, commercial solicitation, and compensation of any kind;
- B. Actions that result in liability or cost incurred by the District;
- C. Downloading, installing and use of games, audio files, video files, games or other applications (including shareware or freeware) without permission or approval from the Director of Technology;
- D. Support for or opposition to ballot measures, candidates, and any other political activity;
- E. Hacking, cracking, vandalizing, the introduction of viruses, worms, Trojan horses, time bombs and changes to hardware, software and monitoring tools;
- F. Unauthorized access to other District computers, networks, and information systems;
- G. Cyberbullying, hate mail, defamation, harassment of any kind, discriminatory jokes and remarks;

- H. Information posted, sent or stored online that could endanger others (e.g., bomb construction, drug manufacturing);
- I. Accessing, uploading, downloading, storage and distribution of obscene, pornographic or sexually explicit material; and
- J. Attaching unauthorized devices to the District network. Any such device will be confiscated and additional disciplinary action may be taken.

The District will not be responsible for any damages suffered by any user, including but not limited to, loss of data resulting from delays, non-deliveries, mis-deliveries or service interruptions caused by his/her own negligence or any other errors or omissions. The District will not be responsible for unauthorized financial obligations resulting from the use of, or access to, the District's computer network or the Internet.

Internet Safety

Personal Information and Inappropriate Content:

- A. Students and staff should not reveal personal information, including a home address and phone number, on websites, blogs, podcasts, videos, social networking sites, wikis, e-mail or as content on any other electronic medium.
- B. Students and staff should not reveal personal information about another individual on any electronic medium without first obtaining permission.
- C. No student pictures or names can be published on any public class, school, or District website unless the appropriate permission has been obtained according to District policy.
- D. If students encounter dangerous or inappropriate information or messages, they should notify the appropriate school authority.

Filtering and Monitoring

Filtering software is used to block or filter access to visual depictions that are obscene and all child pornography in accordance with the Children's Internet Protection Act (CIPA). Other objectionable material could be filtered. The determination of what constitutes "other objectionable" material is a local decision.

- A. Filtering software is not 100% effective. While filters make it more difficult for objectionable material to be received or accessed, filters are not a solution in themselves. Every user must take responsibility for his/her use of the network and Internet and avoid objectionable sites;
- B. Any attempts to defeat or bypass the District's Internet filter or conceal Internet activity are prohibited (e.g. proxies, https, special ports, modifications to District browser settings and any other techniques designed to evade filtering or enable the publication of inappropriate content);
- C. E-mail inconsistent with the educational and research mission of the District will be considered SPAM and blocked from entering District e-mail boxes;
- D. The District will provide appropriate adult supervision of Internet use. The first line of defense in controlling access by minors to inappropriate material on the Internet is deliberate and consistent monitoring of student access to District devices;
- E. Staff members who supervise students, control electronic equipment or have occasion to observe student use of said equipment online, must make a reasonable effort to monitor the use of this equipment to assure that student use conforms to the mission and goals of the District; and
- F. Staff must make a reasonable effort to become familiar with the Internet and to monitor, instruct and assist effectively.
- G. The District will provide a procedure for students and staff members to anonymously request access to Internet websites blocked by the District's filtering software. The procedure will indicate a timeframe for a designated school official to respond to the request. The requirements of the Children's Internet Protection Act (CIPA) will be considered in evaluation of the request. The District will provide an appeal process for requests that are denied.

Copyright

Downloading, copying, duplicating and distributing software, music, sound files, movies, images or other copyrighted materials without the specific written permission of the copyright owner is generally prohibited. However, the duplication and distribution of materials for educational purposes are permitted when such duplication and distribution fall within the Fair Use Doctrine of the United States Copyright Law (Title 17, USC) and content is cited appropriately. *Board Policy 2025*

Ownership of Work/Intellectual Property-Work Made for Hire

All work completed by employees as part of their employment will be considered property of the District. The District will own any and all rights to such work including any and all derivative works, unless there is a written agreement to the contrary. Under federal copyright laws, this is called “work made for hire”. An employee with questions regarding ownership or copyrights on materials prepared within the scope of his/her employment should consult with his/her principal or supervisor. *Board Policy 2027*

Student Data is Confidential

District staff must maintain the confidentiality of student data in accordance with the Family Educational Rights and Privacy Act (FERPA).

No Expectation of Privacy

The District provides the network system, e-mail and Internet access as a tool for education and research in support of the District’s mission. The District reserves the right to monitor, inspect, copy, review and store, without prior notice, information about the content and usage of:

- A. The network;
- B. User files and disk space utilization;
- C. User applications and bandwidth utilization;
- D. User document files, folders and electronic communications;
- E. E-mail;
- F. Internet access; and
- G. Any and all information transmitted or received in connection with network and e-mail use.

No student or staff user should have any expectation of privacy when using the District’s network. The District reserves the right to disclose any electronic messages to law enforcement officials or third parties as appropriate. All documents are subject to the public records disclosure laws of the State of Washington.

Archive and Backup

Backup is made of all District e-mail correspondence for purposes of public disclosure and disaster recovery. Barring power outage or intermittent technical issues, staff and student files are backed up on District servers regularly. Refer to the District retention policy for specific records retention requirements.

Disciplinary Action

All users of the District’s electronic resources are required to comply with the District’s policy and procedures (and agree to abide by the provisions set forth in the District’s user agreement). Violation of any of the conditions of use explained in the District’s user agreement, Electronic Resources Policy or in these procedures could be cause for disciplinary action, including suspension or expulsion from school and suspension or revocation of network and computer access privileges.

WEBSITES AND SOCIAL MEDIA

The Arlington Public Schools Board of Directors recognizes the educational value of current and emerging technologies in the instructional setting. Staff and students may use and develop websites and social media for District-related communications or content related to instruction, research, alternate resources, presentations, information access, or any information that furthers Arlington Public Schools' missions and goals.

Arlington Public Schools ("The District") considers any electronic communication between an employee and a student to be an extension of the classroom or school, and recognizes the nexus between the employee's job and the portion of their private life involved in the communication. Therefore, employees who use email, texting, social media, or other electronic means to communicate with students must keep all communication professional, transparent, and appropriate. Staff should be aware that any electronic communications with students may be considered public records under the Washington Public Records Act (RCW 42.56) and subject to retention and disclosure, irrespective of whether the communications occurred on a personal device or online profile.

The Board recognizes the importance of social media to students and staff, who have the right under the First Amendment to speak out on matters of public concern subject to certain limitations. The District will regulate students' and staff use of social media when such use:

1. Interferes, disrupts, or undermines the educational environment and/or effective operation of the district;
2. Is used to engage in harassing, defamatory, obscene, abusive, discriminatory or threatening or similarly inappropriate communications;
3. Creates a hostile work environment; or
4. Violates any law, rule, regulation, the School Board's policies and procedures, or student and staff handbooks.

The Superintendent will develop procedures that encourage access to electronic information systems and networks by students, staff, and patrons while establishing reasonable controls for the lawful, efficient and appropriate use and management of the system.

The network, and the messages and documents transmitted over it, are the property of the District. *Board Policy 4010*

Websites and Social Media

Purpose

Arlington Public Schools ("The District") recognizes the modern learning environment requires students and staff to adapt to changing methods of communication to better engage, collaborate and learn. The District further recognizes that it is important to create an atmosphere of trust and individual accountability, keeping in mind that information posted online by staff and students may be a reflection on the entire District and is subject to the District's policies and procedures, handbooks, and Washington and federal law. The following guidelines provide direction for employees, students and the School District community for online social media activities.

Staff Use of Social Media

- Staff may participate in online publishing or discussions (e.g., blog, wiki, social network) subject to any Arlington Public Schools conduct policies and handbooks. Staff members are responsible for anything they post online, whether it is through a professional or personal account. The District encourages staff with a personal online presence to be mindful of the information they post. A staff member's online behavior should reflect standards of honesty, respect, good judgment, and consideration. Staff should be mindful that once posted, information may remain public despite their efforts to delete it.
- The lines between public and private, personal and professional, may often be blurred on the Internet. A staff member who identifies his/herself as an Arlington Public Schools staff member in an online profile

connects to networks of colleagues, students, parents and the school community. Thus, staff members should ensure their conduct is consistent with District policies and procedures, staff handbooks, and promotes a respectful school culture.

- Staff should include a disclaimer in their profiles that their personal views do not reflect the views of their employer.
- Staff should be cognizant of their privacy settings and ensure their social media profiles are limited to their intended audience.
- Maintaining professional boundaries over the Internet is critical for staff members to ensure a trusting relationship with Arlington Public Schools and its families. All staff communications with students via the Internet (e.g., email, text messaging, instant messaging, or social networking sites) will be for school-related purposes only. Appropriate discussions include the student's homework, class activity, or extracurricular activities.
- Do not utilize personal accounts to "friend" or engage with current students and parents that you know *professionally*. Arlington Public Schools recognizes staff members may have students or parents who are family members or close personal friends. Staff should maintain separate professional and private online profiles to reduce the risk of crossing personal-professional lines.
- Staff should be aware that any electronic communications with students may be considered public records under the Washington Public Records Act (RCW 42.56) and subject to retention and disclosure, irrespective of whether the communications occurred on a personal device or online profile.
- School Board members should avoid any use of social media that would violate open public meeting laws.

Public Documents and Records Retention

To the extent District websites, social media, and electronic communications constitute public records, Arlington Public Schools subscribes to records retention services to archive a variety of social media sources. Staff must register all work-related social media sites with the Director of Communications.

While the District may allow approved user-generated content on its social-media sites, it does not intend to create an open public forum for speech. Rather, to the extent comments are enabled on Arlington Public Schools' social media outlets, The District intends to create a limited public forum subject to moderation pursuant to these procedures. Page administrators will moderate and may not allow comments on District postings that:

- Contain obscene, graphic, explicit or racial comments or submissions;
- Are abusive or hateful toward any individual, group, or organization;
- Are of a commercial nature (i.e. advertisements, solicitations);
- Suggest or encourage activity that violates local, state, or federal law or the District's policies and procedures;
- Contain any confidential information;
- Are clearly off topic;
- Contain political or religious messages;
- Are clearly offensive;
- Contain information that violates any third party's intellectual property rights (e.g., copyrights);
or
- Promotes, fosters, or perpetuates discrimination on the basis of 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 reserves the right to temporarily or permanently remove comments that do not meet these guidelines. The limitations will be applied neutrally and will not favor a particular viewpoint or ideology.

The District reserves the right to ban, block, or otherwise restrict access to users who violate these guidelines. Prior to removing any comment under these guidelines, the page administrator must save a screenshot or copy of the post that allegedly violates these guidelines for record retention and verification purposes. Any commenter who believes the District wrongfully removed any comment may appeal the decision by contacting the Arlington Public Schools Director of Communications at 360-618-6217.

The District does not endorse statements or external links and comments posted by third parties on District pages or postings, nor do any such postings represent the views of the District, its Board, or its staff. Any individual commenting on a District page or posting takes personal responsibility for their comments, username, and avatar/photograph. All District comments and postings will be considered public records subject to disclosure.

The District strives to communicate about urgent issues and respond to inquiries from the community in a timely manner, but please note that the District's social media accounts are not monitored 24/7. If you are a student in crisis, or have an emergency, please call 911 or the SafeSchools Tip Line. For non-emergency inquiries, please contact the Director of Communications at 360-618-6217 and we will respond in as timely a manner as possible. The District's Facebook and other social media pages are not intended to be used for third parties to make formal complaints against the District, its employees or its students. Formal complaints are to be directed to the building/department administrator or the Director of

Staff Accountability

An employee who is responsible for a social media network posting that fails to comply with the rules and guidelines set forth in this procedure may be subject to discipline pursuant to Arlington Public Schools Board Policy 5281 *Disciplinary Action and Discharge*.

Procedure 4010P

Employee Access

Employees have electronic access, through Skyward-Employee Access, to their information such as payroll, time off/leave balance, clock hour, and employment opportunities, etc... It is the employee's responsibility to regularly check Employee Access. Please call ext. 1203 to gain access or to confirm your login and/or password. Please refer to handout given.

Evaluations

Evaluation of an employee's job performance is a continuous process that focuses on improvement. Performance evaluation is based on an employee's assigned job duties and other job-related criteria. All employees will participate in the evaluation process with their assigned supervisor at least annually. Written evaluations will be completed on forms approved by the District. Reports, correspondence, and memoranda also can be used to document performance information. All employees will receive a copy of their written evaluation, participate in a performance conference with their supervisor, and have the opportunity to respond to the evaluation.

Board Policy 5240

Fair Labor Standards Act

Arlington Public Schools will comply fully with the Fair Labor Standards Act, its regulations, and relevant court decisions. This district will inform employees of the Act through proper posting of information as disseminated by the U.S. Department of Labor. The District will cooperate with all state agencies and maintain compliance.

Reference: Fair Labor Standards Act.

All non-exempt classified employees must be paid for all work permitted and must be paid at regular time, overtime, or compensatory time. If a non-exempt employee's total hours actually worked (leave time and holiday time excluded) exceeds forty (40) hours in any established work week, the District is required to compensate through overtime pay or compensatory (comp) time, as outlined below:

Overtime Pay

Overtime provisions under the Fair Labor Standards Act are in effect when a non-exempt classified employee works more than forty (40) hours per week during an established work-week or as specified in collective bargaining agreements. Non-exempt classified employees must be paid no less than time and one-half (1 ½) for all overtime hours worked.

Compensatory Time

The FLSA 1985 Amendments provide that non-exempt employees of a public agency may, under certain conditions, receive comp time in lieu of overtime pay. Any comp time must be given at a rate of not less than one and one-half (1 ½) hours for each hour of employment for which overtime compensation is required. The employee has the privilege of requesting compensatory time, but it cannot be required or mandated by a supervisor.

“Comp Time” must be preapproved by the supervisor and is subject to conditions of the Collective Bargaining Agreements. The employee must complete the necessary paperwork and maintain accurate records. Forms may be found on the District’s website under “District Forms”.

First Aid CPR Certifications

Frontline employees are encouraged to have current First Aid and CPR certifications.

The following staff members are considered “frontline” employees:

Athletic Trainers	Physical Therapists
Coaches	Principals
Custodians	School Bus Drivers (First Aid Only)
Main Office Secretaries w/clinic responsibilities	Security Monitors/Crossing Guards
Maintenance	Supervisors
Mechanics (First Aid Only)	Teachers of Career & Tech Education
Nurses	Teachers of Developmentally Delayed
Occupational Therapists	Teachers of Health & Fitness
Para-Educators with health room responsibilities	Others deemed appropriate by the superintendent
Para-Educators who work in pre-school	
Para-Educators with playground responsibilities	

Forms

For commonly used District Forms, on our website, please go to the For Staff tab, then select “District Forms for Staff”. The majority of forms are in a pdf format and are fillable. New forms are being added regularly.

Mandatory Trainings

Arlington Public Schools has several mandatory trainings such as Bloodborne Pathogens, Bullying Recognition & Response, Boundary Invasions, Harassment, and General Safety.

The District utilizes the SafeSchools on-line program as a tool for mandatory trainings. Additional trainings may be covered in your building/site staff meeting or through SafeSchools.

All new-hires are given mandatory training assigned through SafeSchools. During your initial meeting with Human Resources Department, you’ll be informed of the trainings required for your position. All assigned training must be completed within 30 days of assignment.

Personnel Records

The District shall organize, compile and maintain personnel records and files for each staff member of the District. Any employee will be permitted, during normal District business hours, to review the contents of his/her personnel file in the presence of an authorized staff member.

Board Policy 5260

COMPENSATION AND BENEFITS

COBRA

Federal law (COBRA) gives employees and their qualified beneficiaries the opportunity to continue their existing health (medical, dental, and vision) insurance coverage under the District's health plan for a period of time after the occurrence of a "qualifying event" which otherwise would result in the loss of coverage. Some common qualifying events are the termination of employment (whether by resignation, layoff, discharge or even death); a substantial reduction in an employee's hours; an extended non-FMLA leave of absence; or legal separation or divorce of the employee and his/her spouse.

When such a qualifying event occurs, the District will notify the employee of the right to continue health insurance coverage under COBRA, as well as the time limits and triggering events, which are applicable in order to continue coverage. To continue coverage, the employee (or beneficiary) must timely elect to exercise their COBRA rights and must timely pay the total premiums required for coverage (including their own share and the District's share).

Family and Medical Leave Act (FMLA)

Arlington Public Schools recognizes that employees may, on occasion, need extended leave in order to care for themselves or for an immediate family member. Therefore, the District shall provide for family and medical leave for all eligible employees pursuant to the Family and Medical Leave Act of 1993 (FMLA).

(FMLA)—General Provisions

The following text is from the federal notice, *Employee Rights and Responsibilities Under the Family and Medical Leave Act*. Specific information that the District has adopted to implement the FMLA follows this general notice.

Basic Leave Entitlement. The FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or childbirth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements. Eligible employees with a spouse, son, daughter, or parent on active military duty and deployed to a foreign country may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

The FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. An eligible employee under this provision is the spouse, son, daughter, parent, or next of kin of the covered service member. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. It also includes a family member who is a veteran with an illness or injury that occurs in the line of duty while on active duty and manifests itself before or after the service member became a veteran. The veteran must have been on active duty during the five years preceding the need for treatment, recuperation, or therapy.

Benefits and Protections. During FML, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FML, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FML cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements. Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave. An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave. Employees may choose or employers may require use of accrued paid leave while taking FML. In order to use paid leave for FML, employees must comply with the District's normal paid leave policies.

Employee Responsibilities. Employees must provide 30 days advance notice of the need to take FML when the need is foreseeable. When 30 days of notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal calling procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave.

Employees also must inform the employer if the requested leave is for a reason for which FML was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities. Covered employers must inform employees requesting leave whether they are eligible under the FMLA. If they are eligible, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FML and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FML, the employer must notify the employee.

Unlawful Acts by Employers. The FMLA makes it unlawful for any employer to: interfere with, restrain, or deny the exercise of any right protected under the FMLA; discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

Enforcement. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

The FMLA does not affect any Federal or State law prohibiting discrimination or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

Local Family and Medical Leave Provisions

Eligible employees can take up to 12 weeks of unpaid leave in a rolling 12-month period measured backward from the date an employee uses FML.

Use of Paid Leave. FML runs concurrently with accrued sick and personal leave, temporary disability leave, compensatory time, assault leave, and absences due to a work-related illness or injury. The District will designate the leave as FML, if applicable, and notify the employee that accumulated leave will run concurrently.

Combined Leave for Spouses. A husband and wife who are both employed by the District are limited to a combined total of 12 weeks of FML to care for a parent with a serious health condition; or for the birth, adoption, or foster placement of a child. Military caregiver leave for spouses is limited to a combined total of 26 weeks.

Intermittent Leave. When medically necessary or in the case of a qualifying exigency, an employee may take leave intermittently or on a reduced schedule. The District does not permit the use of intermittent or reduced-schedule leave for the care of a newborn child or for adoption or placement of a child with the employee.

Request for FML. When the need for FML is foreseeable, employees must provide 30-day advance notice to the District. When the need for leave is not foreseeable, employees must contact the Human Resources Department as soon as possible. Employees may be required to provide the following:

- Medical certification from a qualified health care provider supporting the need for leave due to a serious health condition affecting the employee or an immediate family member
- Second or third medical opinions and periodic recertification of the need for leave
- Periodic reports during the leave regarding the employee's status and intent to return to work
- Medical certification from a qualified health care provider at the conclusion of leave of an employee's ability to return to work
- Certification of the need for family military leave

Employees requiring family and medical leave should contact the Human Resources Department for details on eligibility, requirements, and limitations.

Holidays

The District observes the following holidays:

- New Year's Eve
- New Year's Day
- Martin Luther King Jr. Day
- President's Day
- Memorial Day
- Independence Day
- Veteran's Day
- Labor Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve
- Christmas Day

Insurance Benefits

Medical, Dental, Vision, Life and Disability

All certificated employees with at least .5 FTE or classified employees working more than 17.5 hours per week will be offered medical, dental, vision, life and disability insurance for themselves and their family when they are hired. Any changes to benefits can be made during open enrollment September 1 – 30th of each year or in any month within 30 days of a qualifying event, if an employee's status or family changes. Tax sheltered annuities can also be added at any time.

Certificated

All certificated employees .5 FTE or greater have dental and vision coverage for themselves and their family, a \$50,000 group term life insurance policy, and long term disability coverage. Additionally, they have the option of selecting medical coverage offered by the District. This does not imply that all costs for medical premiums are paid by the District. The percentage of FTE determines what portion of the premium the District pays.

Classified

All classified employees working 17.5 hours or more per week have dental and vision coverage for themselves and their family, a \$50,000 group term life insurance policy, and long term disability coverage. Additionally, they have the option of selecting medical coverage from any of the plans offered by the District. This does not imply that all costs for medical premiums are paid by the District. The number of hours worked per day determines what portion of the premium the District pays.

Both certificated and classified employees have the option to purchase short term disability coverage. Interested employees should contact the Benefits Specialist in Human Resources directly.

Labor & Industries

Arlington Public School employees are covered for work related injuries through the Washington State Department of Labor and Industries. Employees that are injured on the job are expected to immediately complete and submit an accident report which will notify the District Office of their work-related accident. If medical attention is needed, a Physician Initiated Report must be completed by the physician in order for medical bills to be paid. If employees miss time away from work, they can use any accrued sick leave that they have on record. The Department of Labor and Industries will compensate a percentage of employees' time-loss starting after three (3) days of absence.

Each employee pays a small portion of the cost for State Labor and Industry Insurance. The School District pays a higher portion in order to insure all employees.

All in-district accident reports are confidentially reviewed by the employee safety committee in order to avoid any possible future employee accidents.

Payroll Information

Employees are paid on a twelve month payroll cycle with the pay dates falling on the last business day of the month. Your contract will be split into twelve pay periods.

Direct Deposit: Direct deposit is required for all employees of Arlington Public Schools. You will not receive a statement of deposit. You can view all payroll information through Employee Access.

Cut-Off dates: In order to insure proper payment, all payroll items must be turned in to payroll by the first working day of the month. Benefit changes must be received in payroll by the tenth of each month.

Changes to Insurance: After the annual open enrollment period has ended on September 30th, the addition of family members to your health insurance may only take place after a change of family status (i.e. marriage, new baby, loss of existing medical coverage). Any changes must be sent to the Benefit Specialist in Human Resources within thirty days of qualifying event. A notification of a change to insurance coverage must be received by the payroll department by the tenth of each month.

Questions/Concerns: The Payroll Department is available all year, M-F, 7:00 am to 3:30 pm at 360-618-6225.

Retirement Programs

Participation in the State Retirement Program is mandatory for employees working in an eligible position. Retirement is through Washington State Department of Retirement Systems. Questions about the programs may

be directed to retirement systems at (1-800-547-6657). Booklets on each retirement system may be obtained online at: <http://www.drs.wa.gov>. Questions can also be sent via email to: recep@drs.wa.gov. *Board Policy 5510*

ATTENDANCE, LEAVES, AND ABSENCES

Attendance

The District expects employees to make every effort to be present and prepared for work. Employees are expected to adhere to their assigned schedule. In order for the schools and departments to operate effectively, employees are expected to perform all assigned duties and work all scheduled hours during each designated workday, unless the employee has received approved leave. Breaks and meal periods may only be taken during times designated by the employee's principal or supervisor and as further specified in other parts of this Handbook. Any deviation from assigned hours must have prior approval from the employee's principal or supervisor.

Employees who are unable to report to work shall report his/her absence using the current electronic substitute calling system and/or follow their individual building protocol for absence reporting prior to the start of the school day. Any time spent not working during an employee's scheduled day must be accounted for in our electronic sub system or Skyward using the appropriate reasons. The District will monitor attendance and absence patterns. Theft of time and/or improper modification of time worked records will be investigated and will result in disciplinary action up to and including termination. Failure to notify the District of an absence and failure to report to work on such day could result in disciplinary action up to and including termination. Failure to return to work the day following the expiration of an authorized leave of absence may result in termination of employment.

Most certificated employees are contracted and paid for 180 full school days (1.0 FTE). When you are absent on an early release day, you will be charged for a full day of leave and must enter the absence in as a full day, regardless if a substitute is only needed for half a day.

Most classified employees are contracted and paid for 180 full school days. On half days and/or conference days, you are expected to work your full contracted shift. If you are absent on an early release and/or conference day, you will be charged for a full day of leave and must enter the absence in as a full day. You may use your re-directed time in accordance with your supervisor's approval.

Absences-Pre-Arranged Greater than One Day

For *preplanned* absence which is greater than one school day, the employee must complete and submit a Pre-Arranged Request for Leave Form to their immediate supervisor for approval prior to the planned absence.

Special Programs itinerant staff members (OT/PT, SLP, SLP Assistants, Psychologists, COTAs) must call Special Services at extension 1215 to notify them of any absence and record such absence.

Building Nurses should contact the District Nurse **and** Substitute Coordinator directly to report/arrange any absences.

The Executive Director of Human Resources approval is required for any unpaid leave or Bereavement Leave that exceeds collective bargaining language. A detailed explanation must accompany any unpaid leave request.

Leave- Sick & Personal

Employees who are unable to report to work shall follow the applicable procedures for reporting his/her absence. Any time spent not working during an employee's scheduled day must be accounted for in Substitute Online or Skyward using the appropriate reasons. The District will monitor attendance and absence patterns. Theft of time and/or improper modification of time worked records will be investigated and will result in disciplinary action up to and including termination.

Employees are front-loaded up to twelve days of sick leave per fiscal year. Sick leave will be prorated if the employee starts after the beginning of the school year and based upon number of hours scheduled to work. Accrued sick leave can transfer at resignation to any Washington State Public School within the state guidelines. A leave sharing program is available in accordance with law.

Employees shall be entitled up to two days of personal leave which will be front-loaded to each regular employee who works the approved District student calendar or more days per work year. Personal leave will be prorated if the employee starts after the beginning of the school year and based upon number of hours scheduled to work. Where granted, an employee shall receive personal leave based upon his/her regular hours of work. Please refer to your Collective Bargaining Agreement regarding cash out and carryover of personal leave.

It is the employee's responsibility to know the balance of sick leave and personal leave by checking Employee Access on a regular basis. Keep in mind that absences entered in Substitute Online will not immediately show up on Employee Access as payroll uploads it a month behind. Please call Human Resources at any time to verify the balance of sick leave and/or personal leave. *Board Policy 5400-5401*

Substitutes

The Substitute Online system allows staff members to report absences, notify and dispatch substitutes, and monitor information from any location at any time through the Internet. Each staff member has the ability to select the names of requested substitutes, which are given priority over the general pool. The results have been that staff have received requested substitutes more frequently and we have had fewer empty classrooms. Guest teachers and classified substitutes are able to view open assignments and be more prepared for those they do accept.

Substitute Online: All absences, regardless if a substitute is needed, need to be entered into Substitute online. Pre-approval is needed when taking personal leave, emergency leave, and jury duty.

Vacation - PSE

Employees who are members of the PSE bargaining group have collective bargaining language which governs the accrual and distribution of vacation pay. The following holds true for most categories of employees:

- Employees that work only during the course of the normal school calendar (180 days) will receive vacation pay rather than time off work. This vacation pay will be prorated, paid out with normal monthly pay, and will be spread over 12 months or even installments.
- Employees that work 260 days per year will receive paid vacation time. Accrued unused vacation time will be paid at employment termination in accordance to state guidelines. See the PSE agreement for vacation accrual schedule.
- Employees shall obtain prior approval by their immediate supervisor before using accrued vacation time.

Weather Related Late Start/School Closure Days

In the case of school late start, each employee needs to assess safety related issues such as road conditions, traffic, and weather then plan their travel accordingly. Given the weather related challenges, some/occasional late arrivals are inevitable. Staff may be asked to cover duties of staff arriving late if necessary. Please have a discussion with your supervisor to develop a plan for "late starts". Employees who are not able to report to work because of inclement weather may use emergency leave, which draws from the employee's sick leave. Employee **must** contact building principal and Substitute Coordinator.

In the case of school closure, employees whose work days are tied to student days are not expected to report. This work day will become a "make up day" at the end of the school year in June. Employees in this category include teachers, certificated specialists, and 180-day classified staff (i.e. para-educators, bus drivers, main office secretaries, child nutrition).

All 260-day employees are expected to report to work on school closure days. Every effort should be made to report to work as close to your normally scheduled work time as safety permits. Employees unable to report to

work due to inclement weather may use emergency (sick) leave. If there is a delayed start, the following schedule changes will apply:

- No pre-school, or ECEAP
- No out-of-district or special education transportation
- No morning skills center
- No secondary zero hour classes

FlashAlert.org and the local news stations are the best sources for accurate and up-to-the-minute information.

Most importantly, please be safe!

GENERAL EMPLOYMENT PRACTICES & EXPECTATIONS

Accident/Incident Reports

All accidents/incidents occurring on District property, school buses or during the course of school sponsored activities, including field trips and other away events, are to be reported to the building principal or supervisor immediately. Reports should cover property damage as well as personal injury.

A completed accident report form must be submitted within twenty-four hours or the next scheduled District workday. Forms are available in the school office.

Child Abuse Reporting

Except as provided under Washington Statute any of the following persons who has reasonable cause to suspect that a child, seen by the person in the course of professional duties, has been abused or neglected or who has reason to believe that a child, seen by the person in the course of professional duties, has been threatened with abuse or neglect, and that abuse or neglect of the child will occur, shall report as provided for below: school nurse, social worker, professional counselor, school teacher, school administrator, school counselor, child care worker in a child care center, or residential care center for children and youth a child care provider, an alcohol or other drug abuse counselor, a physical therapist, a physical therapist assistant, an occupational therapist, a dietitian, a speech-language pathologist, an audiologist, an emergency medical technician, a first responder and a police or law enforcement officer, including a police liaison officer.

A person required to report shall immediately inform, by telephone or personally, the applicable District administrative personnel.

Employees who are not mandatory reporters as set forth in paragraph A, above, and who in connection with their job responsibilities have reasonable cause to suspect that a child has been abused or neglected or who have reason to believe that a child has been threatened with abuse or neglect and that abuse or neglect of the child will occur shall notify their principal or supervisor or other administrative personnel of such alleged abuse.
Board Policy 3421

Conflict of Interest

A conflict of interest is defined as any judgment, action or relationship that may benefit an employee or another party the employee is affiliated with because of the employee's position with the District.

Employees are asked to avoid outside activity that may compete or be in conflict with the best interests of the District. Employees must disclose to their principal or supervisor information of any transaction that may be considered a conflict of interest as soon as they know the facts. No employee may use his or her position to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated. *Board Policy 5251*

Discipline/Termination

The level of discipline imposed will take into consideration the seriousness of the infraction as well as the employee's performance record.

When appropriate, discipline should be corrective in nature. At the employer's sole discretion, various types of employee discipline may be imposed which include, but are not limited to, suspension, with or without pay, demotion or termination. Verbal warnings, written warnings or reprimands are not considered to be forms of discipline and are not subject to the established Grievance Procedures. Employees are entitled to union representation at meetings where disciplinary measures are being proposed. *See Appendix A, "Weingarten Rights"*. None of these disciplinary measures are required to be used before discharge from employment occurs nor are the listed disciplinary actions required to be used in any specific order. The Employer may repeat disciplinary action. Fundamental fairness is necessary when an employee is being disciplined or terminated. *See Appendix B, "Just Cause"*. Employees are expected to work in a competent and conscientious manner which reflects favorably upon the employee and the School District. *Board Policy 5280, 5281*

District Property

The District may supply an employee with equipment or supplies to assist the employee in performing his/her job duties. All employees are expected to show reasonable care for any equipment issued and to take precautions for theft. Employees cannot take District property for personal use or gain. Any equipment, unused supplies, or keys issued must be returned prior to the employee's last day of employment, including, but not limited to: laptops, employee identification badges and the key card for building entry.

District Vehicles

Employee's job duties or assignment may require them to operate a District owned vehicle. Drivers, other than School Bus Drivers, required to operate vehicles with students must first complete the appropriate Safe Schools Van Safety course and order a complete driving abstract from the Washington State Department of Licensing. At no time shall a vehicle, other than a school bus, with a capacity greater than eight passengers be used to transport students. District owned vehicles shall be used for official District business only. Any citation for violation of motor vehicle laws shall be the sole responsibility of the operator. If involved in any accident, the operator shall notify the proper law enforcement agency immediately and file an incident/accident report within twenty-four hours. The driver and all passengers shall wear seat belts at all times. Drivers are expected to report to their supervisor or designee any damage, deficiencies or safety concerns. Use of tobacco products is not allowed in District owned vehicles at any time.

Drug-Free Schools, Community and Workplace

The District seeks to provide a safe drug-free workplace for all of its employees.

"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 following behaviors will not be tolerated:

- A. Reporting to work under the influence of alcohol, marijuana, illegal chemical substances, or opiates.
- B. Using, possessing, or transmitting alcohol, 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 alcohol, marijuana, 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 (10) 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. *Board Policy 5201*

Employee Safety

The District is dedicated to providing a safe and healthful work environment for all District personnel. It is our goal to reduce the frequency and severity of accidental injuries by providing our employees with safety information and appropriate safety training as a means of protecting employee welfare.

The employer is responsible to provide a safe and healthy workplace free from recognized hazards.

- Establish, supervise, and enforce safety rules.
- Provide the required safety training to all employees.
- Ensure that personal protective equipment is worn when tasks dictate.

The employee is required to know and comply with all safety rules and procedures. Immediately report all accidents to your supervisor. Identify and report all potential hazards and play an active role in creating a safe and healthy workplace. Take personal responsibility for working safely and use common sense while performing your job. *Board Policy 6511*

Facility and Equipment Use for Personal Gain

An employee will not perform any duties related to an outside job during regular working hours or for professional employees during the additional time that the responsibilities of the District's position require; nor will an employee use any District facilities, equipment or materials in performing outside work. *Board Policy 5251*

Fire Safety

Fire safety is an essential element of having a safe working environment. Employees should know the following:

1. Location of fire alarms;
2. Location of fire extinguishers;
3. Evacuation routes; and
4. Whom to notify in case of fire.

Employees need to take precautions to prevent fires from occurring. In the event of a fire, the most important task is to sound the alarm and clear the building. Employees should not risk their safety in fighting fires.

All employees shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

Harassment, Intimidation, Bullying

The District is committed to a safe and civil educational environment for all students, employees, volunteers and patrons free from harassment, intimidation, or bullying. “Harassment, intimidation or bullying” means any intentional electronic, written, verbal, or physical act, including but not limited to one shown to be motivated by any characteristic in RCW 9A.36.080(3) (race, color, religion, ancestry, national origin, gender, sexual orientation including gender expression or identity, mental or physical disability) or other distinguishing characteristics such as but not limited to physical appearance, clothing or other apparel, socioeconomic status or weight.

Any staff member or volunteer who has witnessed, or has reliable information that a student has been subjected to harassment, intimidation, or bullying, whether electronically, written, verbal or physical, should report such incident to an appropriate school official. No school employee, student, or volunteer may engage in reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information about an act of harassment, intimidation, or bullying. Depending upon the frequency and severity of the conduct, intervention, counseling, correction, discipline and/or referral to law enforcement will be used to remediate the impact on the victim and the climate and change the behavior of the perpetrator. This includes appropriate intervention, restoration of a positive climate, and support for victims and others impacted by the violation. If you believe you’ve been bullied, contact your principal or supervisor. *Board Policy 3207 and 3207P*

Investigations

Expectation of Cooperation: In the event of a District investigation or inquiry, every District employee has an affirmative duty to provide to his/her principal, supervisor(s), or any other District official assigned to investigate all relevant and factual information about matters. Employees failing to volunteer such information shall receive a directive from an administrator to provide a statement. The employee’s failure to comply with the directive may constitute “insubordination”, a violation that will be grounds for disciplinary action up to and including termination.

Administrative Leave: The District may place an employee on administrative leave, paid or unpaid, during an investigation into alleged misconduct by the employee.

Personal Appearance/Staff Dress Code

District employees are judged not only by their service but also by their appearance. It is the District’s expectation that every employee’s appearance is consistent with the high standards we set for ourselves as a District. Employees are expected to present a well-groomed, professional appearance, and to practice good personal hygiene. The District expects that all employees are neat, clean, and wear appropriate clothing for work that is in good taste and suitable for the job at hand. Employees shall be expected to exhibit a professional image to students, parents, and the community.

Personal Property

The District shall not assume responsibility for the maintenance, repair or replacement of any privately-owned property brought to a school or District function unless the use or presence of such property has been specifically requested in writing by the administration.

The District shall not make reimbursement for loss or damage to a staff member's personal equipment or materials brought to school unless evidence can be shown that it was necessary or highly desirable for use in the school program. Evidence of loss or damage must show that the loss was not due to any negligence or fault of the staff member. *Board Policy 6540*

Personnel – Student Relations

All District personnel will recognize and respect the rights of students, as established by local, state, and federal law. Employees shall, at all times, maintain a professional relationship and exhibit a professional demeanor in their interactions with students. Further, employees shall refrain from engaging in any actions or conduct of a sexual nature (verbal or physical) directed toward a student, including, but not limited to, sexual advances, activities involving sexual innuendo, or requests for sexual favors or sexually explicit language or conversation.

Employees shall not form inappropriate social or romantic relationships with students, regardless of whether or not the student is 18 years old. Employees shall not use profane or obscene language or gestures in the workplace.
Board Policy 5253

Sexual Misconduct Disclosure

The Legislature has determined that additional safeguards are necessary in the hiring of School District employees to ensure the safety of Washington’s school children. All new employees are required to sign a release authorizing former employers to disclose all information related to any acts of sexual misconduct committed by the employee as defined by the State Board of Education. Sexual misconduct definitions are found in WAC 180-87-080.

Sexual Harassment of Student Prohibited - Policy

This school district is committed to maintaining a positive and productive learning environment for students that is 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. 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” includes:

- 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; and
- 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 Officer. All staff members 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 Officer. Reports of disability discrimination or harassment will be referred to the district's Section 504 Compliance Officer.

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 Compliance Officer and provide contact information, including the Compliance Officer'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.

Board Policy 3205

Sexual Harassment of Student Prohibited - Procedure

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 District Administration Office, 315 N French Avenue, Arlington, WA 98223.

Staff Responsibilities

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

Confidentiality

- If a complainant requests that his or her name not be revealed to the alleged perpetrator or asks that the district not investigate or seek action against the alleged perpetrator, the request will be forwarded to the Title IX Compliance Officer for evaluation.
- The Title IX Compliance Officer should inform the complainant that honoring the request may limit the district's 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 the district's Title IX/Civil Rights Compliance Officer, Mr. Eric DeJong, Executive Director of Human Resources, 315 N French Ave, Arlington, WA 98223; 360.618.6212; edejong@asd.wednet.edu. 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 Compliance Officer may draft the complaint based on the report of the complainant for the complainant to review and approve. The Superintendent or Title IX Compliance Officer may also conclude that the district needs to conduct an investigation based on information in his or her possession, regardless of the complainant's interest in filing a formal complaint.
- 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 Compliance Officer:

Mr. Eric DeJong
Executive Director of Human Resources
Arlington Public Schools
Administration Office
315 N French Ave

Arlington, WA 98223
Phone: 360.618.6212 Fax: 360.618.6219
Email: edejong@asd.wednet.edu

Any district employee who receives a complaint that meets these criteria will promptly notify the Compliance Officer.

Investigation and Response

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

Superintendent Response

- The Superintendent will respond in writing to the complainant and the alleged perpetrator within thirty (30) calendar days of receipt of the complaint, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, the district will notify the complainant in writing of the reason for the extension and the anticipated response date. At the time the district responds to the complainant, the district must send a copy of the response to the office of the Superintendent of Public Instruction.
- The response of the Superintendent or designee will include: 1) a summary of the results of the investigation; 2) a statement as to whether a preponderance of the evidence establishes that the complainant was sexually harassed; 3) if sexual harassment is found to have occurred, the corrective measures the district deems necessary, including assurance that the district will take steps to prevent recurrence and remedy its effects on the complainant and others, if appropriate; 4) notice of the complainant's right to appeal to the School Board and the necessary filing information; and 5) any corrective measures the district will take, remedies for the complainant (e.g., sources of counseling, advocacy and academic support), and notice of potential sanctions for the perpetrator(s) (e.g., discipline).
- The Superintendent's or designee's response will be provided in a language the complainant can understand and may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964. If the complaint alleges discriminatory harassment by a named party or parties, the Compliance Officer 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 Title IX 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. Board Procedure 3205

Non-Discrimination Policy

Arlington Public Schools provides 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 hearing, vision, or speech 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 non-discrimination 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 annual 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. *Board Policy 3210*

Non-Discrimination Procedure

Arlington Public Schools provides 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 hearing, vision, or speech disabilities.

Training and Professional Development

When possible, the District will conduct staff training and professional development in an effort to build the skills of all staff and students to prevent, identify, and respond to harassment and discrimination.

Transgender Students

Non-Discrimination of transgender students requires proactive and responsive steps to ensure transgender students are afforded the protections provided by state and federal law. Therefore, these procedures provide specific guidance to students, families, and staff with respect to the needs of transgender students.

Definitions/Terms

- **Gender Expression** is how a person expresses their gender, often through behavior, emotional expression, mannerisms, dress, grooming, interests, and activities.
- **Gender Identity** refers to one's deeply felt internal sense of being female, or male, or both, or neither, regardless of their gender assigned at birth.
- **Gender Nonconforming** describes a person whose gender expression differs from stereotypical expectations about how they should look or act based on the gender they were assigned at birth. This includes people who identify outside traditional gender categories or identify as both genders, or as gender neutral.
- **Biological Sex/Sex** refers to a person's internal and external anatomy, chromosomes, and hormones.
- **Transgender** is a general term often used to describe a person whose gender identity and/or expression is different from that traditionally associated with the person's gender assigned at birth.
- **Transitioning** refers to the process in which a person goes from living and identifying as one gender to living and identifying as another.

Official Records

The District is required to maintain a permanent student record which includes the student's legal name and the student's gender. The District will change a student's official records to reflect a change in legal name upon receipt of:

- Documentation that the student's legal name or gender has been changed pursuant to a court order or

through amendment of state or federally-issued identification; or

- A written, signed statement explaining that the student has exercised a common law name change and has changed their name for all intents and purposes and that the change has not been made for fraudulent reasons.

Schools may change a student's official gender designation upon parent or student request pursuant to the Office of the Superintendent of Public Instruction's (OSPI's) process found at <http://www.k12.wa.us/CEDARS/ReportingGuidance.aspx>.

To the extent that the District is not legally required to use a student's legal name and biological sex on school records or documents, the District should use the name and gender by which the student identifies. In situations where school employees are required by law to use or report a student's legal name or gender, such as for standardized testing, school staff should adopt practices to avoid the inadvertent disclosure of the student's transgender or gender nonconforming status.

Confidential Health or Educational Information

Information about a student's gender status, legal name, or gender assigned at birth may constitute confidential medical or educational information. Disclosing this information to other students, their parents, or other third parties may violate privacy laws, such as the federal Family Education Rights and Privacy Act (FERPA) (20 U.S.C. §1232; 34 C.F.R. Part 99). Therefore, to ensure the safety and well-being of the student, school employees should not disclose a student's transgender or gender nonconforming status to others, including the student's parents and/or other school personnel, unless the school is (1) legally required to do so or (2) the student has authorized such disclosure.

Communication and Use of Names and Pronouns

An appropriate school employee will privately ask known transgender or gender nonconforming students how they would like to be addressed in class, in correspondence to the home, and at conferences with the student's parent/guardian. That information will be included in the electronic student record system along with the student's legal name in order to inform teachers and staff of the name and pronoun by which to address the student. When appropriate or necessary, this information will be communicated directly with staff to facilitate the use of proper names and pronouns. A student is not required to change their official records or obtain a court-ordered name and/or gender change as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity.

When communicating with transgender or gender nonconforming students regarding particular issues such as conduct, discipline, grades, attendance or health, school employees will focus on the conduct or particular issues rather than making assumptions regarding the student's actual or perceived gender identity. When communicating with parents of transgender or gender nonconforming students, school employees will refrain from the use of gender pronouns and refer to the student by name whenever practicable. The District will not condone the intentional and persistent refusal to respect a student's gender identity, or inappropriate release of information regarding a student's transgender status.

Restroom Accessibility

Students will be allowed to use the restroom that corresponds to the gender identity they assert at school. No student will be required to use a restroom that conflicts with his or her gender identity.

Locker Room Accessibility

Use of locker rooms by transgender or gender nonconforming students will be assessed on a case-by-case basis, with the goal of maximizing transgender or gender nonconforming student social integration, providing an equal opportunity to participate in physical education classes and athletic opportunities and ensuring the student's safety. In most cases, the District should provide the student access to the locker room that corresponds to the gender identity they assert at school. Reasonable alternatives to locker room conditions include, but are not limited to:

- use of a private area (e.g., nearby restroom stall with a door, an area separated by a curtain, an office in the locker room, or a nearby health office restroom);
- a separate changing schedule (i.e., utilizing the locker room before or after the other students).

Any alternative to locker room conditions will be provided in a manner that allows the student to keep his or her transgender or gender nonconforming status private. No student, however, will be required to use a locker room that conflicts with his or her gender identity.

Sports and Physical Education Classes

The District will provide all students, including transgender students, the opportunity to participate in physical education and athletic programs/opportunities in a manner that is consistent with their gender identity.

A student may seek review of his or her eligibility for participation in interscholastic athletics by working through the Gender Identity Participation Procedure set forth by the Washington Interscholastic Activities Association (WIAA).

Dress Codes

The District will allow students to dress in a manner that is consistent with their gender identity and/or gender expression within the constraints of the dress codes adopted at their school site and within the constraints of the District guidelines for dress as they relate to health and safety issues (e.g., prohibitions on wearing gang-related apparel). School dress codes will be gender-neutral and will not restrict a student's clothing choices on the basis of gender.

Other School Activities

In any school activity, students will be permitted to participate in accordance with the gender identity they assert at school. Teachers and other school employees will make every effort to assign/group students based on factors relevant to the District's educational goals and the safety and comfort of students.

Filing a Complaint of Discrimination

Anyone may file a complaint against the District alleging that the District has violated antidiscrimination 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 Course Design, Selection, and Adoption of Instructional Materials (Policy 2020). As used in this procedure:

- A. "Grievance" means a complaint which has been filed by a complainant relating to alleged violations of any state or federal anti-discrimination laws.
- B. "Complaint" means a written charge alleging specific acts, conditions, or circumstances, which are in violation of the anti-discrimination laws. The time period for filing a complaint is one year from the date of the occurrence that is the subject matter of the complaint. However, a complaint filing deadline may not be imposed if the complainant was prevented from filing due to: 1) Specific misrepresentations by the District that it had resolved the problem forming the basis of the complaint; or 2) Withholding of information that the District was required to provide under WAC 392-190-065 or WAC 392-190-005. Complaints may be submitted by mail, fax, e-mail or hand-delivery to any District, school or to the District Compliance Officer responsible for investigating discrimination complaints. Any District employee who receives a complaint that meets these criteria will promptly notify the Compliance Officer.
- C. "Respondent" means the person alleged to be responsible or who may be responsible for the violation alleged in the complaint.

The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint. To this end, specific steps will be taken. The District is prohibited by law from intimidating, threatening, coercing or discriminating against any individual for the purpose of interfering with their right to file a grievance under this policy and procedure and from retaliating against an individual for filing such a grievance.

A. Informal Process for Resolution

Anyone with an allegation of discrimination may request an informal meeting with the Compliance Officer or designated employee to resolve their concerns. Such a meeting will be at the option of the complainant. If unable to resolve the issue at this meeting, the complainant may submit a written complaint to the Compliance Officer. During the course of the informal process, the District must notify complainant of their right to file a formal complaint.

B. Formal Process for Resolution

Level One – Complaint to District

The complainant must set forth the specific acts, conditions, or circumstances alleged to be in violation. Upon receipt of the complaint, the Compliance Officer will provide the complainant a copy of this procedure. The Compliance Officer will investigate the allegations set forth within thirty (30) calendar days. The School District and complainant may agree to resolve the complaint in lieu of an investigation. The Officer will 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 thirty (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 antidiscrimination 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 will be instituted as expeditiously as possible, but in no event later than thirty (30) calendar days following the Superintendent's or designee's mailing of a written response to the complaining party unless otherwise agreed to by the complainant.

Level Two – Appeal to the District 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's 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. 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 – Appeal 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 (20th) 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.

Resources

1. District Contacts

Mr. Eric DeJong
Executive Director of HR/Compliance Officer
315 N French Ave, Arlington, WA 98223
360.618.6212
edejong@asd.wednet.edu

Mr. Dave McKellar
Special Education Director/Compliance Officer (ADA/504)
315 N French Ave, Arlington, WA 98223
360.618.6209
dmckellar@asd.wednet.edu

2. State Contacts

Superintendent of Public Instruction
Equity and Civil Rights Office
P.O. Box 47200
Olympia, WA 98504-7200
360.725.6162

Washington State Human Rights Commission
711 South Capitol Way, Suite 402
P.O. Box 42490
Olympia, WA 98504-2490
360.753.6770

Office of Civil Rights
U.S. Department of Education
915 Second Avenue, Room 3310
Seattle, WA 98174
206.607.1600

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 (6) years.

Annual Notice

Each year, notice of non-discrimination and the grievance procedure will be included in a district-wide publication, such as the first publication of the district newsletter.
Board Procedure 3210

Sexual Harassment of District Staff Prohibited Policy

This school district is committed to maintaining a positive and productive working environment for staff that is free from discrimination, including sexual harassment. This commitment extends to all employees and other persons 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 student to adult, adult to adult, or can be carried out by a group of students or adults. The district prohibits sexual harassment of district employees by students, employees, or third parties involved in school district activities.

Under federal and state law, the term “sexual harassment” includes:

- acts of sexual violence;
- unwelcome sexual or gender-directed conduct or communication that interferes with an individual’s

- employment 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 a work opportunity or other benefit;
 - sexual demands where submission or rejection is a factor in a work or other school related decision affecting an individual.

A “hostile environment” for an employee is created where the unwanted conduct is sufficiently severe or pervasive to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. 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, the district will promptly investigate to determine what occurred and will 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 every time a report, complaint, and grievance alleging sexual harassment comes to the attention of the district, either formally or informally.

Allegations of criminal misconduct will be reported to law enforcement. 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 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’s Title IX or Civil Rights Compliance Officer. 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 Officer. Reports of disability discrimination or harassment will be referred to the district's Section 504 Compliance Officer.

Notice and Training

The Superintendent will develop procedures to provide information and education to district staff, 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 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, parents, volunteers and visitors. Information about the policy and procedure will be easily understood and conspicuously posted throughout each school building, provided to each employee and reproduced in each staff, volunteer and parent handbook. Such notices will identify the district's Title IX/Civil Rights Compliance Officer and provide contact information, including the Compliance Officer'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, volunteers and parents in the review process. *Board Policy 5011*

Sexual Harassment of District Staff Prohibited Procedure

The procedure is intended to set forth the requirements of Policy 5011, 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 District employees carried out by students, other employees, or third parties involved in School District activities. 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, provided to each employee and reproduced in each staff, volunteer and parent handbook.

In addition to the posting and reproduction of this procedure and Policy 5011, the District will provide annual notice to employees that complaints pursuant to this procedure may be filed at Arlington Public Schools Administration Office, 315 N French Ave, Arlington, WA 98223.

Staff Responsibilities

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

Confidentiality

If a complainant requests that his or her name not be revealed to the alleged perpetrator or asks that the District not investigate or seek action against the alleged perpetrator, the request will be forwarded to the Title IX/Civil Rights Compliance Officer for evaluation. The Compliance Officer 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 the same. Staff will also direct potential complainants to the District's Title IX/Civil Rights Compliance Officer, Mr. Eric DeJong, Executive Director of Human Resources, 315 N French Ave, Arlington, WA 98223; 360.618.6212; edejong@asd.wednet.edu. 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 staff person; or
- Providing training

Informal complaints may become formal complaints at the request of the complainant, or because the District believes the complaint needs to be more thoroughly investigated. The District will inform the complainant 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:

- 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 Compliance Officer may draft the complaint based on the report of the complainant for the complainant to review and approve. The Superintendent or Title IX Compliance Officer may also conclude that the District needs to conduct an investigation based on information in his or her possession, regardless of the complainant's interest in filing a formal complaint.
- 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's Title IX Compliance Officer:

Mr. Eric DeJong, Executive Director of Human Resources
 Arlington Public Schools
 Administration Office
 315 N French Ave
 Arlington, WA 98223
 Phone: 360.618.6212 Fax: 360.618.6219
 Email: edejong@asd.wednet.edu

Any District employee who receives a complaint that meets these criteria will promptly notify the Compliance Officer.

Investigation and Response

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

Superintendent Response

- The Superintendent will respond in writing to the complainant and the alleged perpetrator within thirty (30) calendar days of receipt of the complaint, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, the District will notify the complainant in writing of the reason for the extension and the anticipated response date. At the time the District responds to the complainant, the District must send a copy of the response to the Office of the Superintendent of Public Instruction (OSPI).
- The response from the Superintendent or designee will include: 1) a summary of the results of the investigation; 2) a statement as to whether the 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 Districts 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 other support), and notice of potential sanctions for the perpetrator(s) (e.g. discipline).

- The Superintendent 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 Compliance Officer 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 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 the complainant.

Level Two – Appeal to the 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.

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 (OSPI).

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.

Board Procedure 5011

Non-Discrimination and Affirmative Action Policy

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, 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 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 unlawfully 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, 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 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 employee 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 use any employment tests or criteria that screen out persons with disabilities unless the test or criteria is clearly and specifically job related. Also, the District will not use such tests or criteria if 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;
- 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. *Board Policy 5010*

Non-Discrimination and Affirmative Action Procedure

Nondiscrimination

To ensure fairness and consistency, the following grievance procedure is to be used in the District's relationship with its staff with regard to employment problems covered by state and federal equal employment opportunity laws and/or this Affirmative Action Plan. No staff member's status with the District will be adversely affected in any way because the staff member utilized these procedures. As used in this procedure, "grievance" will mean a complaint which has been filed by a complainant relating to alleged violations of any state or federal anti-discrimination laws. A "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 and the following steps will be taken:

Affirmative Action Plan

In order to secure an equitable solution to a justifiable complaint the District will:

- A. Make efforts to modify the composition of the future work force in order to work toward a full utilization of aged persons, persons with disabilities, racial and ethnic minorities, women and veterans in the various job categories.
- B. Ensure that all applicants and staff are considered on the basis of bona fide job-related qualifications. The purpose of the Affirmative Action Plan is to actively include persons of underutilized classes in the employment process, not to exclude others from it. The District will continue to emphasize in all recruitment contacts that nondiscrimination is a basic element in the District's personnel procedures.
- C. Be responsible for reviewing all employment procedures and programs to assure that there is no indication of discriminatory practices. The District will continue to use aged persons, persons with disabilities, racial and ethnic minorities, women and veterans in the recruitment and employment process. Job descriptions for classified staff will be sent to the Washington State Employment Security Department and other organizations which are recruiting sources for groups that may be underutilized in the District's work force. Recruitment from colleges and universities will include institutions with high percentages of students of various ethnic minorities.
- D. Contract and purchase all goods and services from persons, agencies, vendors, contractors and organizations who comply with the appropriate laws and executive orders regarding discrimination.
- E. Take appropriate action to attract and retain aged persons, persons with disabilities, racial and ethnic minorities, women and veterans at all levels and in all segments of the District's work force. Criteria for selecting staff will be reviewed regularly to assure that such statements relate directly to the requirements for specific positions. However, pursuant to state law there will be no preferential employment practices based on race or gender.
- F. Provide mentoring and management development training to assure that individuals of underutilized groups are prepared for positions of new and increased responsibility.

Implementation of the Affirmative Action Plan will be the responsibility of the Superintendent.

Administrators will assist in the attainment of the established goals and purposes of this Affirmative Action Plan.

Dissemination

The District will disseminate information concerning employment and developments under the Affirmative Action Plan on a planned basis to assist in achieving the goals set forth in this plan. Affirmative action information will be disseminated by:

- A. Printing and distributing such information to staff, school libraries, and offices;

- B. Publishing on the District website;
- C. Including the District's affirmative action statement on all postings and the employment page on the District website;
- D.. Including appropriate equal opportunity clauses in all external documents such as leases and contracts, as required, in order to reaffirm to our contractors, vendors and suppliers our Affirmative Action Plan;
- E. Conducting meetings with administrative staff to explain the policy and plan;
- F. Informing appropriate and interested recruiting and hiring sources; and
- G. Informing all representative staff groups in the District.

Responsibility for Implementation and Evaluation

The responsibility of the Compliance Officer or designee will be to:

- A. Implement control systems that will assure equal application of District policies and monitor the effectiveness of this Plan.
- B. Assure the District that it is in compliance with current applicable anti-discrimination laws, rules and regulations through periodic internal audits.
- C. Work with administrators and employees of the District to assure understanding and support for the program.
- D. Establish specific training, recruiting, hiring and selection processes necessary to accomplish the goals of the Affirmative Action Plan.
- E. Keep management and employees informed of changes and updates regarding this policy.
- F. Conduct training on the prevention of sexual and other forms of protected class harassment will be provided for all new employees to the District. Continuing employees will also be given refresher courses minimally every three years.
- G. Ensure a record system will be maintained by the Human Resources Department that collects data on the District employees in the areas of race, sex, age, handicapping conditions and veteran status, for all job categories.
- H. Ensure the Equal Employment Opportunity policy and all posters required by law will be conspicuously posted in all buildings.
- I. Report to the Board of Directors on specific progress of the Affirmative Action Plan.

The Compliance Officer is:

Eric DeJong, Executive Director of Human Resources
 Arlington School District No. 16
 315 N French Avenue
 Arlington, WA 98223
 Phone: 360.618.6212
 edejong@asd.wednet.edu

Internal Audit and Monitoring System

The Superintendent's Office, in compliance with WAC 162-12, Pre-employment Inquiry Guide, will record applicant flow, new hires, promotions, transfer requests, transfers, administrative internships and terminations by age, race, sex, and other protected status. An analysis will be made of the internal and external work force availability of racial and ethnic minorities and women.

The District will evaluate the effectiveness of the nondiscrimination and Affirmative Action Plan and report its status to the Board annually. Such reports may include recommendations for changes in the Affirmative Action Plan goals. The overall responsibility for monitoring and auditing this policy is assigned to the Superintendent or designee. The duties include:

- A. Analysis of the categories of employment in relation to Affirmative Action Plan Goals;
- B. Analysis of work force data and applicant flow;
- C. Maintaining records relative to affirmative action information;
- D. Preparation of semiannual reports of progress toward the goals and recommended changes required to maintain the vitality of the plan;
- E. Identifying in a written report to the Superintendent any employment practice or policy that is discriminatory or that does not meet the requirements of the Affirmative Action Plan; and
- F. Keeping the Superintendent advised of the progress in implementing the goals and procedures of this Affirmative Action Plan.

Grievance Procedure

To ensure fairness and consistency, the following review procedures are to be used in the District's relationship with its staff with regard to employment problems covered by state and federal equal employment opportunity laws and/or this Affirmative Action Plan. No staff member's status with the District will be adversely affected in any way because the staff member utilized these procedures.

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

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 the 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.

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 procedure and from retaliating against an individual for filing such a grievance.

A. Informal Process for Resolution

When a staff member has an employment problem concerning equal employment opportunity, he/she will discuss the problem with the immediate supervisor, human resources director or Superintendent within 60 days of the circumstances which gave rise to the problem. The staff member may also ask the Compliance Officer to participate in the informal review procedure. It is intended that the informal discussion will resolve the issue. If the staff member feels he/she cannot approach the supervisor because of the supervisor's involvement in the alleged discrimination, the staff member may directly contact the Compliance Officer before pursuing formal procedures. If the discussion with the Officer or immediate supervisor does not resolve the issue the staff member may proceed to the formal review procedures. During the course of the informal process, the District will 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 thirty (30) calendar days. The School District and complainant may agree to resolve the complaint in lieu of an investigation. The Officer will 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 thirty (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 antidiscrimination 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 will 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 Board of Directors

If a complainant disagrees with the Superintendent's or designee's written decision, the complainant may file 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 (20) 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. 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 Office of 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 Office of the Superintendent of Public Instruction.

1. A complaint must be received by the Office of the Superintendent of Public Instruction on or before the twentieth (20) calendar day following the date upon which the complainant received written notice of the Board of Directors' decision, unless the Office of 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.

3. Upon receipt of a complaint, the Office of Superintendent of Public Instruction may initiate an investigation, which may include conducting an independent onsite 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 non-compliance issues it has identified. The written decision will include corrective actions deemed necessary to correct non-compliance 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, RCW Chapter 34.05.

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.

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 District Compliance Officer for a period of six (6) years.

Resources

District Contact

Mr. Eric DeJong, Executive Director of Human Resources
Arlington School District No. 16
315 N French Avenue
Arlington, WA 98223
Phone: 360.618.6212
edejong@asd.wednet.edu

State Contacts

Office of the Superintendent of Public Instruction (OSPI)
Equity and Civil Rights Office
P.O. Box 47200
Olympia, WA 98504-7200
Phone: 360.725.6162

Washington State Human Rights Commission
711 South Capitol Way, Suite 402
P.O. Box 42490
Olympia, WA 98504-2490
Phone: 360.753.6770

Office for Civil Rights
U.S. Department of Education
915 Second Avenue, Room 3310
Seattle, WA 98174
Phone: 206.607.1600
Board Procedure 5010

Tobacco-Free Workplace

In order to protect students from exposure to the addictive substance of nicotine, the use of tobacco and nicotine substances are prohibited on School District property. This shall include all District buildings, grounds, and District-owned vehicles. Tobacco products and delivery devices include, but are not limited to, cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, nicotine, electronic smoking/vapor devices and vapor products, non-prescribed inhalers, nicotine delivery devices or chemicals that are not FDA-approved to help people quit using tobacco, devices that produce the same flavor or physical effect of nicotine substances and any other smoking equipment, device, material, or innovation. *Board Policy 4215*

Teamwork

Providing a quality education for students and a quality work experience for employees involves teamwork among all employees in the District. Teamwork is demonstrated by showing respect, cooperation and leadership at all times. Serving as an effective team member is a key component in accomplishing the District's mission. Teamwork also involves effective problem solving strategies. PSE and District Leadership collaborated to create a Problem Solving Flow Chart (see appendix c) to assist staff in solving issues.

Volunteers

We encourage staff to involve volunteers in the classroom. The voluntary help of our community should be requested by staff through administrative channels. The school will conduct a criminal background check on all persons volunteering in positions where they will be left alone with a child. Do not leave children alone with a volunteer who has not been cleared through a formal background check. Volunteers are expected to work under the supervision of staff. *Board Policy 5630*

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. Licensed police officers who are serving in their official capacities are the only persons excepted from this prohibition. 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. *Board Policy 4210*

Work Spaces, Including Desks, Lockers, etc.

Employees shall have no expectation of privacy with respect to any item or document (including email and electronic records) stored in or on District-owned property, which includes, but is not limited to, desks, filing cabinets, mailboxes, lockers, tables, shelves, and other storage spaces in or out of the classroom.

APPENDIX A

Weingarten Rights: Employee right to union representation

“If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I respectfully request that my union representative, officer or steward be present at the meeting. Without representation, I will attend the meeting and follow lawful orders, but I choose not to answer any questions.”

Weingarten Rights

Under the Supreme Court’s Weingarten decision, when an interview for investigation occurs, the following rules apply:

RULE 1: The employee must make a clear request for union representation before or during the interview. The employee cannot be punished for making this request.

RULE 2: After the employee makes the request, the employer must choose from among three options.

The Employer must either:

- Grant the request and delay questioning until the union representative arrives and has a chance to consult privately with the employee, or
- Deny the request and end the interview immediately; or
- Give the employee a choice of (1) having the interview without representation or (2) ending the interview.

RULE 3: If the employer denies the request for union representation, and continues to ask questions, it commits an unfair labor practice and the employee has a right to refuse to answer. The employer may not discipline the employee for such a refusal.

Weingarten Rights: Employee right to union representation

“If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I respectfully request that my union representative, officer or steward be present at the meeting. Without representation, I will attend the meeting and follow lawful orders, but I choose not to answer any questions.”

- If an employee has reasonable belief that discipline or other adverse consequences may result from what he or she says, the employee has the right to request union representation.
- Management is not required to inform the employee of his/her Weingarten Rights.
- It is the employee’s responsibility to know and request.

National Labor Relations Board (NLRB) vs. Weingarten, Inc., 1975 U.S. Supreme Court

APPENDIX B

WHAT DOES “JUST CAUSE” MEAN?

The concept of “just cause” requires that there be fundamental fairness in decisions related to the discipline and discharge of employees. Arbitrators have articulated many definitions and explanations of “just cause” over the years, including, but not limited to the following tests:

1. Did the employer give the employee forewarning or foreknowledge of the possible or probable disciplinary consequences of the employee’s conduct?
2. Was the employer’s rule or managerial order reasonably related to the orderly, efficient, and safe operation of the business?
3. Did the employer, before administering discipline to an employee, make an effort to discover whether the employee did in fact violate or disobey a rule or order of management?
4. Was the employer’s investigation conducted fairly and objectively?
5. At the investigation, did the “judge” obtain substantial evidence or proof that the employee was guilty as charged?
6. Has the employer applied its rules, orders, and penalties evenhandedly and without discrimination to all employees?
7. Was the degree to discipline administered by the employer in a particular case reasonably related to (a) the seriousness of the employee’s proven offense and (b) the record of the employee in his or her service with the employer?

APPENDIX C

PUBLIC SCHOOL EMPLOYEES

Problem Solving Flow Chart

- Speak to your supervisor
- Seek clarification
- Check the Employee Handbook, Board Policies and contract language
- Assume good intentions

