

Student Handbook Language for ESD 112 Student Programs

ESD 112 Protect Students from Harassment, Intimidation, and Bullying (HIB)

ESD 112 programs are meant to be safe and inclusive environments where all students are protected from Harassment, Intimidation, and Bullying (HIB), including in the classroom, on the bus and during program activities. This section defines HIB, explains what to do when you see or experience it, and the ESD's process for responding to it.

What is HIB?

HIB is any intentional electronic, written, verbal, or physical act of a student that:

- Physically harms another student or damages their property;
- Has the effect of greatly interfering with another student's education; or,
- Is so severe, persistent, or significant that it creates an intimidating or threatening education environment for other students.

HIB generally involves an observed or perceived power imbalance and is repeated multiple times or is highly likely to be repeated. HIB is not allowed, by law, in our programs.

How can I make a report or complaint about HIB?

Talk to any program staff member (consider starting with whoever you are most comfortable with!). You may use the [ESD 112 reporting form](#) to share concerns about HIB but reports about HIB can be made in writing or verbally. Your report can be made anonymously, if you are uncomfortable revealing your identity, or confidentially if you prefer it not be shared with other students involved with the report. No disciplinary action will be taken against another student based **solely** on an anonymous or confidential report.

If a staff member is notified of, observes, overhears, or otherwise witnesses HIB, they must take prompt and appropriate action to stop the HIB behavior and to prevent it from happening again. Our district also has a HIB Compliance Officer (Wendy Niehaus, wendy.niehaus@esd112.org or 360-952-3574) that supports prevention and response to HIB.

What happens after I make a report about HIB?

If you report HIB, ESD program staff must attempt to resolve the concerns. If the concerns are resolved, then no further action may be necessary. However, if you feel that you or someone you know is the victim of unresolved, severe, or persistent HIB that

requires further investigation and action, then you should request an official HIB investigation.

Also, ESD 112 must take actions to ensure that those who report HIB don't experience retaliation.

What is the investigation process?

When you report a complaint, the HIB Compliance Officer or staff member leading the investigation must notify the families of the students involved with the complaint and must make sure a prompt and thorough investigation takes place. The investigation must be completed within 5 school days, unless you agree on a different timeline. If your complaint involves circumstances that require a longer investigation, ESD 112 will notify you with the anticipated date for their response.

When the investigation is complete, the HIB Compliance Officer or the staff member leading the investigation must provide you with the outcomes of the investigation within 2 school days. This response should include:

- A summary of the results of the investigation
- A determination of whether the HIB is substantiated
- Any corrective measures or remedies needed
- Clear information about how you can appeal the decision

What are the next steps if I disagree with the outcome?

For the student designated as the **"targeted student"** in a complaint:

If you do not agree with ESD 112's decision, you may appeal the decision and include any additional information regarding the complaint to the superintendent, or the person assigned to lead the appeal, and then to the ESD 112 board.

For the student designated as the **"aggressor"** in a complaint:

A student found to be an "aggressor" in a HIB complaint may not appeal the decision of a HIB investigation. They can, however, appeal corrective actions that result from the findings of the HIB investigation.

For more information about the HIB complaint process, including important timelines, please see ESD 112's HIB Policy [3207 Prohibition of Harassment, Intimidation and Bullying](#) and [Procedure-3207P-Prohibition-of-Harassment-Intimidation-and-Bullying](#).

ESD 112 Stands Against Discrimination

Discrimination can happen when someone is treated differently or unfairly because they are part of a **protected class**, including their race, color, national origin, sex, gender

identity, gender expression, sexual orientation, religion, creed, disability, use of a service animal, or veteran or military status.

What is discriminatory harassment?

Discriminatory harassment can include teasing and name-calling; graphic and written statements; or other conduct that may be physically threatening, harmful, or humiliating. Discriminatory harassment happens when the conduct is based on a student's protected class and is serious enough to create a hostile environment. A **hostile environment** is created when conduct is so severe, pervasive, or persistent that it limits a student's ability to participate in, or benefit from, the ESD's services, activities, or opportunities.

To review ESD 112's Nondiscrimination Policy [3210 Nondiscrimination](#) and [Procedure-3210-Nondiscrimination](#) visit the [ESD 112 Board website](#).

What is sexual harassment?

Sexual harassment is any unwelcome conduct or communication that is sexual in nature and substantially interferes with a student's educational performance or creates an intimidating or hostile environment. Sexual harassment can also occur when a student is led to believe they must submit to unwelcome sexual conduct or communication to gain something in return, such as a grade or a place on a sports team.

Examples of sexual harassment can include pressuring a person for sexual actions or favors; unwelcome touching of a sexual nature; graphic or written statements of a sexual nature; distributing sexually explicit texts, e-mails, or pictures; making sexual jokes, rumors, or suggestive remarks; and physical violence, including rape and sexual assault.

ESD 112 does not discriminate based on sex and prohibits sex discrimination in all of our education programs and employment, as required by Title IX and state law.

To review ESD 112's Sexual Harassment Policy [3205 Sex Discrimination and Sex-Based Harassment of Students Prohibited](#) visit the [ESD 112 Board website](#).

What should ESD 112 do about discriminatory and sexual harassment?

When a student program becomes aware of possible discriminatory or sexual harassment, it must investigate and stop the harassment. The student program must address any effects the harassment had on the student in the program, including

eliminating the hostile environment, and make sure that the harassment does not happen again.

What can I do if I'm concerned about discrimination or harassment?

Talk to a Coordinator or submit a written complaint. You may contact the following ESD 112 staff members to report your concerns, ask questions, or learn more about how to resolve your concerns.

Concerns about discrimination:

Civil Rights Coordinator: Melissa Kreuder, Director of Human Resources, melissa.kreuder@esd112.org or 360-952-3328

Concerns about sex discrimination, including sexual harassment:

Title IX Coordinator: Wendy Niehaus, Risk and Member Services Manager, wendy.niehaus@esd112.org or 360-952-3574

Concerns about disability discrimination:

Section 504 Coordinator: Jeffrey Niess, Executive Director, Specialized Student Services, jeffrey.niess@esd112.org, 360-952-3529

Concerns about discrimination based on gender identity:

Gender-Inclusive Programs Coordinator: Jillany Wellman, Spero Center Director, at jillany.wellman@esd112.org or 360-952-3552

To submit a written complaint, describe the conduct or incident that may be discriminatory and send it by mail, fax, email, or hand delivery to the Director of the appropriate student program, Assistant Superintendent for Teaching and Learning, or Civil Rights Coordinator. Submit the complaint as soon as possible for a prompt investigation, and within one year of the conduct or incident.

What happens after I file a discrimination complaint?

The Civil Rights Coordinator will give you a copy of ESD 112's discrimination complaint procedure. The Civil Rights Coordinator must make sure a prompt and thorough investigation takes place. The investigation must be completed within 30 calendar days unless you agree to a different timeline. If your complaint involves exceptional circumstances that require a longer investigation, the Civil Rights Coordinator will notify you in writing with the anticipated date for their response.

When the investigation is complete, the ESD 112 Superintendent/designee or the staff member leading the investigation will send you a written response. This response will include:

- A summary of the results of the investigation
- A determination of whether ESD 112 failed to comply with civil rights laws
- Any corrective measures or remedies needed
- Notice about how you can appeal the decision

What are the next steps if I disagree with the outcome?

If you do not agree with the outcome of your complaint, you may appeal the decision to the ESD 112 Board of Directors and then to the Office of Superintendent of Public Instruction (OSPI). More information about this process, including important timelines, is included in ESD 112's Nondiscrimination [Procedure-3210-Nondiscrimination](#) procedure.

I already submitted an HIB complaint – what will ESD 112 do?

HIB can also be discrimination if it's related to a protected class. If you give a written report of HIB to an ESD 112 student program that involves discrimination or sexual harassment, the student program will notify the Civil Rights Coordinator. ESD 112 will investigate the complaint using both the Nondiscrimination [Procedure-3210-Nondiscrimination.pdf](#) and the HIB [Procedure-3207P-Prohibition-of-Harassment-Intimidation-and-Bullying.pdf](#) to **fully resolve your complaint.**

Who else can help with HIB or Discrimination Concerns?

Office of Superintendent of Public Instruction (OSPI)

All reports must start locally at the ESD 112 student program or administrative level. However, OSPI can assist students, families, communities, and ESD 112 staff with questions about state law, the HIB complaint process, and the discrimination and sexual harassment complaint processes.

OSPI School Safety Center (For questions about harassment, intimidation, and bullying)

- Website: ospi.k12.wa.us/student-success/health-safety/school-safety-center
- Email: schoolsafety@k12.wa.us
- Phone: 360-725-6068

OSPI Equity and Civil Rights Office (For questions about discrimination and sexual harassment)

- Website: <https://ospi.k12.wa.us/policy-funding/equity-and-civil-rights>
- Email: equity@k12.wa.us
- Phone: 360-725-6162

Washington State Governor’s Office of the Education Ombuds (OEO)

The Washington State Governor’s Office of the Education Ombuds works with families, communities, and schools to address problems together so every student can fully participate and thrive in Washington’s K-12 public schools. OEO provides informal conflict resolution tools, coaching, facilitation, and training about family, community engagement, and systems advocacy.

- Website: www.oeo.wa.gov
- Email: oeoinfo@gov.wa.gov
- Phone: 1-866-297-2597

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

The U.S. Department of Education, Office for Civil Rights (OCR) enforces federal nondiscrimination laws in public schools, including those that prohibit discrimination based on sex, race, color, national origin, disability, and age. OCR also has a discrimination complaint process.

- Website: <https://www.ed.gov/about/ed-offices/ocr>
- Email: orc@ed.gov
- Phone: 800-421-3481

Our ESD 112 Student Programs are Gender-Inclusive

In Washington, all students have the right to be treated consistent with their gender identity in an educational program. ESD 112 student programs will:

- Address students by their requested name and pronouns, with or without a legal name change
- Change a student’s gender designation and have their gender accurately reflected in student program records
- Allow students to use restrooms and locker rooms that align with their gender identity
- Allow students to participate in sports, physical education courses, field trips, and overnight trips in accordance with their gender identity
- Keep health and education information confidential and private
- Allow students to wear clothing that reflects their gender identity and apply dress codes without regard to a student’s gender or perceived gender
- Protect students from teasing, bullying, or harassment based on their gender or gender identity

To review ESD 112’s Gender-Inclusive Programs Policy [3211 Gender Inclusive Programs](#) and [Procedure-3211-Gender Inclusive Programs.pdf](#) visit the [ESD 112 Board website](#). If you have questions or concerns, please contact the Gender-Inclusive

Programs Coordinator:

- Jillany Wellman, Spero Center Director and Gender Inclusive Programs Coordinator, at jillany.wellman@esd112.org or 360-952-3552

For concerns about discrimination or discriminatory harassment based on gender identity or gender expression, please see the information above under “***What can I do if I’m concerned about discrimination or harassment?***”