

Nondiscrimination

ESD 123 will provide equal educational opportunity and treatment for all students referred by member districts in all aspects of all cooperative programs without discrimination based on a protected status, which includes the following: race, religion, creed, color, national origin, honorably discharged veteran or military status, sex, sexual orientation, gender expression, gender identity, 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.

ESD 123 will provide equal access to its 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.

Discriminatory Harassment

Students have a right to be free from discriminatory harassment. ESD 123 violates that right if the following conditions are met:

1. The alleged conduct is based on a student's protected status.
2. The alleged conduct creates a hostile environment if it is sufficiently severe, persistent, or pervasive to limit or deny a student's ability to participate in or benefit from ESD 123 service offerings, including any educational program or activity. A hostile environment could impact a student's life in many ways. Physical illness, anxiety about going to a program, or a decline in attendance could signal a hostile environment.
3. After receiving notice of the alleged conduct, ESD 123 fails to take prompt and appropriate action to investigate it or fails to take prompt and effective steps reasonably calculated to end the harassment, eliminate the hostile environment, prevent its recurrence, and remedy its effects as appropriate. ESD 123 has notice of discriminatory harassment if a reasonable employee knew or, in the exercise of reasonable care, should have known about the harassment. Employees may have notice of discriminatory harassment if they receive an oral report from a student, parent, or other individual; receive a written complaint; witness harassing conduct; or become aware of harassment by members of the community or the media.

Harassing conduct may include verbal acts and name-calling, graphic and written statements, or other conduct that may be physically threatening, harmful, or humiliating.

When ESD 123 receives notice of potential discriminatory harassment, it will take prompt and appropriate action to investigate and, as applicable, take prompt and effective steps reasonably calculated to end the harassment, eliminate the hostile environment, prevent its recurrence, and remedy its effects. Examples of the steps ESD 123 might take include imposing discipline, separating individuals, developing a safety plan, offering counseling, and providing additional training and instruction. These steps will not penalize the student who was harassed.

Complaint Procedure

ESD 123 will adopt a complaint procedure in accordance with chapter 392-190 WAC.

Annually, ESD 123 will publish a notice of the complaint procedure in a way that is reasonably calculated to inform all students, parents, and employees of it. ESD 123 will provide the notice in a language each parent can understand, which may require language assistance in accordance with Title VI of the Civil Rights Act of 1964 for those with limited English proficiency.

ESD 123 will not adopt any policy, procedure, or practice that would limit a person's right to file a complaint under the complaint procedure.

Compliance Officer

The superintendent will designate an employee who is responsible for monitoring and coordinating ESD 123's compliance with chapter 392-190 WAC and the guidelines the Office of the Superintendent of Public Instruction has adopted under WAC 392-190-005.

The compliance officer is responsible for ensuring that all complaints filed under the complaint procedure are promptly investigated and resolved.

Training

ESD 123 will train all administrators, certificated personnel, and classroom personnel regarding their responsibilities under this policy and chapter 392-190 WAC. The training will aim to raise awareness of and eliminate bias based on a protected status.

Retaliation Prohibited

ESD 123 will not intimidate, threaten, coerce, or discriminate against any individual who seeks to secure their rights under this policy or chapter 392-190 WAC or because the individual has filed a complaint under the complaint procedure. Further, ESD 123 will not tolerate someone else retaliating against another because they sought to secure their rights under this policy or chapter 392-190 WAC or because they have filed a complaint under the complaint procedure.

Any person who retaliates will be subject to appropriate discipline.

Board Approved: 09/30/21

Revision:

First Reading: 02/27/25

Second Reading: 03/27/25

Adoption: 03/27/25

Reference:

[20 U.S.C. § 7905 Equal access to public school facilities](#)
[42 U.S.C. §§ 12101 Findings and purpose. - 12213 Severability.](#)
[Americans With Disabilities Act](#)
[RCW 28A.640 Sexual equality](#)
[RCW 28A.642 Discrimination prohibition](#)
[RCW 49.60 Discrimination—Human Rights Commission](#)
[WAC 392-400-215 Student Rights](#)
[WAC 392-190 Equal educational opportunity—Unlawful discrimination prohibited](#)

Cross Reference:

[Policy 3211 - Gender-Inclusive Programs](#)
[Policy 4260 - Use of ESD 123 Facilities/Equipment](#)