



Yakama Nation Tribal School

"Knowledge for Generations to Come"

Policy: 3210P

Section: 3000 - Students

Procedure - Nondiscrimination

Anyone may file a complaint that the Yakama Nation Tribal School (YNTS) has violated anti-discrimination laws. This complaint procedure is designed to assure that the resolution of real or alleged violations shall be directed toward a just solution that is satisfactory to the complainant, the administration and the Board of directors. The Yakama Nation Tribal School is prohibited by law from intimidating, threatening, coercing or discriminating against any individual for the purpose of interfering with their right to file a complaint under this Regulation and procedure and from retaliating against an individual for filing such a complaint.

All written and verbal communication regarding a discrimination complaint 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.

This grievance procedure shall apply to the general conditions of the non-discrimination Regulation (3210) and more particularly to the policies dealing with guidance and counseling (2140), co-curricular program (Regulation 2150), and curriculum development and instructional materials (Regulation No. 2020). As used in this procedure,

1. "Complaint" means a written, charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws including Title IX regulations and Washington Administrative Code (WAC) 392-190 or Section 504 of the Rehabilitation Act of 1973, or Title VII of the Civil Rights Act of 1964. Complaints may be submitted by mail, fax, e-mail or hand-delivery to any District, school or to the compliance officer responsible for investigating discrimination complaints. Any YNTS employee who receives a complaint that meets these criteria will promptly notify the compliance officer.
2. "Respondent" means the person alleged to be responsible or who may be responsible for the violation alleged in the complaint.
3. The time period for filing a complaint is limited to one year from the date of the occurrence that is the subject matter of the complaint. However, a complaint filing limitation may not be imposed if the complainant was prevented from filing due to: 1) Specific misrepresentations by YNTS that it had resolved the problem forming the basis of the complaint; or 2) Withholding of information that YNTS was required to provide under WAC 392-190-065 or WAC 392-190-005.

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

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 complainant must be provided a copy of the discrimination complaint procedure.

B. Formal Process for Resolution

Level One: Complaint to Yakama Nation Tribal School

1. The complaint must set forth the specific acts, conditions, or circumstances alleged to be in violation.
2. The officer or designee shall conduct a prompt and thorough investigation into the allegations.
3. The officer shall provide the superintendent with a full written report of the complaint and the result(s) of the investigation.
4. The superintendent shall respond in writing to the complainant 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.



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- a. If an extension is needed, the complainant must be notified in writing of the reasons for the extension and the anticipated response date; this notice must be provided.
5. The decision of the Superintendent or designee will include:
 - a. a summary of the results of the investigation;
 - b. whether YNTS has failed to comply with anti-discrimination laws;
 - c. if non-compliance is found, corrective measures deemed necessary to correct it; and
 - d. notice of the complainant's right to appeal to the school Board and the necessary filing information. The superintendent's or designee's response

Level Two – Appeal to the Board of Directors

If a complainant disagrees with the superintendent's or designee's written decision, the complainant may appeal the decision to the Board of Directors by filing a written notice of appeal with the secretary of the Board within ten (10) calendar days following the date upon which the complainant received the response.

The Board shall schedule a hearing to commence by the twentieth (20th) calendar day following the filing of the written notice of appeal, unless otherwise agreed to by the complainant and the superintendent or for good cause. Both parties shall be allowed to present such witnesses and testimony as the Board deems relevant and material. Unless otherwise agreed to by the complainant, the Board will render a written decision within thirty (30) calendar days following the filing of the notice of appeal and provide the complainant with a copy of the decision. The decision 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. A copy of the appeal decision will be sent to the office of the superintendent of public instruction.

Level Three

In the event a complainant remains aggrieved with the decision of the Board, the complainant may appeal the decision to any federal or state agency empowered with the authority to resolve such complaint such as the Office of the Superintendent of Public Instruction.

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

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

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



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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.

Preservation of Records

The files containing copies of all correspondence relative to each complaint communicated to the Yakama Nation Tribal School and the disposition, including any corrective measures instituted will be retained in the office of the compliance officer for a period of six years.

Adoption Date:
Classification: **Essential**
Revised Dates: **2.24**



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Policy: 3210

Section: 3000 - Students

Nondiscrimination

The Yakama Nation Tribal School (YNTS) complies with all federal rules and regulations and does not discriminate on the basis of age, sex, race, creed, color, religion, national origin, veteran or military status, sexual orientation, gender expression or identity, the presence of any sensory, mental or physical disability, or the use of trained dog guide or service animal by a person with a disability and provides equal access to the Boy Scouts of America and other designated youth groups. This holds true for all students who are interested in participating in educational programs and/or extra-curricular school activities. Inquiries regarding compliance procedures may be directed to the school district's Title IX/RCW 28A.85 Officer and/or Section 504 Coordinator. [ADD CONTACT INFORMATION](#)

The YNTS discrimination complaint procedure will be annually published in a format and language accessible to students, and students' parents/guardians. Language assistance accommodations will be provided as necessary or requested.

The superintendent will designate a staff member to serve as the compliance officer for this Regulation. The compliance officer or designee will be responsible for investigating allegations of discriminatory harassment.

Harassment 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 course offerings, educational programming or any co-curricular or extra-curricular activity will not be tolerated. Steps will be taken to promptly and effectively end the harassment, prevent its recurrence and remedy its effects to the extent that YNTS staff know, or reasonably should know, that such discriminatory harassment is occurring or has occurred.

The YNTS nondiscrimination statement will be included in written announcements, notices, and other publications made available to students, and parents/guardians. The statement will include: 1) notice that YNTS may 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 compliance officer designated to ensure compliance with this Regulation; and 3) the names and contact information of the District's Section 504 and Title IX compliance officers.

Training will be provided for administrators, certificated, classroom and extra-curricular personnel on their responsibilities under the law and nondiscrimination procedures, and to raise awareness of and to eliminate bias and discrimination based on the protected classes.

The superintendent/designee shall provide for the annual evaluation, periodic surveys, annual notice and complaint procedures as required by law to assure that there is in fact equal opportunity for all students.

The Superintendent/designee shall designate a staff member to serve as Affirmative Action/ Title IX Compliance Officer

Adoption Date:
Classification: **Essential**
Revised Dates: **2.24**



Yakama Nation Tribal School

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Policy: 3207
Section: 3000 - Students

Prohibition of Harassment, Intimidation, and Bullying of Students

The Yakama Nation Tribal School (YNTS) is committed to a safe and civil educational environment that is free from the harassment, intimidation, or bullying. Harassment, intimidation or bullying in any way, shape, or form. Retaliation is prohibited, as well as knowingly reporting false allegations of harassment, intimidation, and bullying. No one will be disciplined for making a report in good faith.

Harassment, intimidation, or bullying is an intentional electronic, written, verbal, or physical act that:

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

Harassment, intimidation, or bullying can take many forms including, but not limited to, slurs, rumors, jokes, innuendoes, demeaning comments, drawings, cartoons, pranks, gestures, physical attacks, threats or other written, oral, physical or electronically transmitted messages or images directed toward a student.

This policy is not intended to prohibit expression of religious, philosophical, or political views, provided that the expression does not substantially disrupt the educational environment.

Compliance Officer

A compliance officer will serve as the primary contact for all complaints and oversee policy implementation. The name and contact information for the compliance officer will be communicated throughout the district.

Training

Comprehensive training of the compliance officer, staff and volunteers will be implemented. Specific training requirements are included in the accompanying procedure.

Prevention

The harassment, intimidation, and bullying prevention strategy will include partnerships with the Yakama Nation, families, law enforcement, and other community agencies.

Interventions

Interventions will address the impact on targeted students and the behavior of aggressors ranging from counseling, correcting behavior and discipline, to law enforcement referrals.

Students with Individual Education Plans or Section 504 Plans

If the aggressor or target is on an Individual Education Plan (IEP) or Section 504 Plan, the student's IEP or Section 504 team will address whether the incident impacted the student's ability to receive a free, appropriate public education.

Adoption Date:

Classification: **Essential**

Revised Dates: **04.02; 10.07; 04.08; 12.10; 12.11; 12.13; 12.14; 01.15; 07.19; 08/01/2019; 07.23**



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Policy: 3207P

Section: 3000 - Students

Procedure - Prohibition of Harassment, Intimidation and Bullying of Students

A. Introduction

The Yakama Nation Tribal School (YNTS) strives to provide students with optimal conditions for learning by maintaining a school environment where every student is treated with respect and students are not physically or emotionally harmed.

In order to ensure respect, prevent harm, and improve school climate, it is a violation of policy for a student to be harassed, intimidated, or bullied by other students in the school community, at school sponsored events, or when such actions create a substantial disruption to the educational process. Student(s) will not be harassed because of their race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression, gender identity, mental or physical disability, or other distinguishing characteristics.

Any school staff who observes, overhears, or otherwise witnesses harassment, intimidation, or bullying of a student or to whom such actions have been reported must take prompt and appropriate action to stop the harassment, intimidation, or bullying, prevent its recurrence, and report it to the building level administrator and/or HIB Compliance Officer.

B. Definitions

Aggressor means a student who harasses, intimidates, or bullies another student.

Harassment, intimidation, or bullying means an intentional electronic, written, verbal, or physical act that:

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

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

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

This procedure does not govern harassment, intimidation, or bullying toward or by an employee, volunteer, parent/legal guardian, or community member.

Retaliation occurs when a student is intimidated, threatened, coerced, or discriminated against for reporting harassment, intimidation, or bullying, participating in an investigation, or being identified as a targeted student.

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



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student orientation sessions and on other appropriate occasions. The information will include a copy of the Incident Reporting Form or a link to a web-based process.

3. Training

The HIB Compliance Officer will participate in at least one mandatory training opportunity offered by OSPI. As feasible, the HIB Compliance Officer will attend annual training as a refresher course, particularly in the event that changes to the HIB law or process occur. Staff will receive annual training on the policy and procedure, including at a minimum, staff roles and responsibilities, and the use of the YNTS Incident Reporting Form.

4. Prevention Strategies

A range of prevention strategies including individual, classroom, school, and community-level approaches will be implemented. Whenever possible, culturally responsive and evidence-based prevention programs will be implemented that are designed to increase social competency, improve school climate, and eliminate harassment, intimidation, and bullying in schools.

F. Compliance Officer

The Civil Rights Coordinator will serve as HIB compliance officer.

The compliance officer will:

1. Serve as the primary contact for harassment, intimidation, or bullying of a student. If any staff member receives allegations in a written report of harassment, intimidation, or bullying that indicate a potential violation of Policy 3207, that staff member must promptly notify the compliance officer;
2. Provide support and assistance to the principal or designee in resolving complaints;
3. Receive copies of all Incident Reporting Forms, discipline Referral Forms, and letters to parents providing the outcomes of investigations;
4. If a written report of harassment, intimidation, or bullying of a student indicates a potential violation of the nondiscrimination policy [Policy 3210], or if during the course of an investigation, YNTS becomes aware of a potential violation of the nondiscrimination policy, the compliance officer must proceed with the complaint under both nondiscrimination and harassment, intimidation, and bullying policies and procedures. At that time, the compliance officer must promptly notify the complainant that their complaint will proceed under both this policy/procedure and the nondiscrimination policy/procedure. The investigation and response timeline for the nondiscrimination procedure begin when YNTS knows or should have known that a written report or investigation or harassment, intimidation, or bullying involves a potential violation of the nondiscrimination policy;
5. Be familiar with the use of the student information system. The compliance officer may use this information to identify patterns of behavior and areas of concern;
6. Ensure implementation of the policy and procedure by overseeing the investigative processes, including ensuring that investigations are prompt, impartial, and thorough;
7. Assess the training needs of staff and students to ensure successful implementation, and ensure staff receive annual training;
8. Provide the OSPI School Safety Center with notification of policy or procedure updates or changes on an annual basis; and
9. In cases where, despite school efforts, a targeted student experiences harassment, intimidation, or bullying that threatens the student's health and safety, the compliance officer will facilitate a meeting between staff and the child's parents/guardians to develop a safety plan to protect the student. A sample student safety plan is available on the OSPI website: www.k12.wa.us/SafetyCenter/default.aspx.
10. YNTS will provide updated names and contact information to OSPI after a change of the HIB Compliance Officer.

G. Staff Intervention

All staff members will intervene and report when witnessing or receiving reports of harassment, intimidation, or bullying of a student. Incidents that do not meet the definition of harassment, intimidation, or bullying, or conduct not directed toward a student may require no further action under this procedure, other than tracking, to ensure they are not repeated.

H. Filing an Incident Reporting Form

Incident Reporting Forms may be used by students, families, or staff to report incidents of harassment, intimidation or bullying of a student. A sample form is provided on the Office of Superintendent of Public Instruction's (OSPI) School Safety Center website: www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx

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

P.O. Box 151, Toppenish, WA. 98948. (509) 865-4778. (509) 865-6092 Fax



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Incident report form must be provided to students, families, or staff, if requested.

I. Addressing Harassment, Intimidation, or Bullying – Reports

Step 1: Filing an Incident Reporting Form

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

Status of Reporter

1. **Anonymous**

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

2. **Confidential**

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

3. **Non-confidential**

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

Step 2: Receiving an Incident Reporting Form

All staff are responsible for receiving oral and written reports. Whenever possible staff who initially receive an oral or written report of harassment, intimidation, or bullying of a student will attempt to resolve the incident immediately. If the incident is resolved to the satisfaction of the parties involved, if the incident does not meet the definition of harassment, intimidation, or bullying, or if the conduct is not directed toward a student, no further action may be necessary under this procedure. If the parties involved are not satisfied with the attempt to resolve the situation, the staff member will notify the HIB Compliance Officer, the parties will be provided with a HIB Incident Report form, and given the opportunity to complete the form, thereby initiating the process for an official HIB investigation.

All reports of unresolved, severe, or persistent harassment, intimidation, or bullying will be recorded on an Incident Reporting Form and submitted to the principal or designee, once recorded, the principal or designee must communicate with the HIB Compliance Officer regarding the complaints.

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

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

1. Upon receipt of the Incident Reporting Form that alleges unresolved, severe, or persistent harassment, intimidation, or bullying of a student, a designee will begin the investigation. If there is potential for clear and immediate physical harm to the complainant, law enforcement will be contacted immediately and the parent/guardian will be informed.
2. For allegations involving a staff member the Human Resources Department must be involved. These allegations will not be handled under the processes in 3207 and 3207P. Human Resources Departments must include consideration of policy and procedure 3210 – Nondiscrimination of Students, policy and procedure 5010 – Nondiscrimination and Affirmative Action, and other applicable policies and



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laws, including WAC 392-190-0555. The Human Resources Departments should work with their legal services to determine the appropriate complaint process and response.

3. During the course of the investigation, reasonable measures will be taken to ensure that no further incidents of harassment, intimidation, or bullying occur between the complainant, targeted student, and the alleged aggressor. If necessary, a safety plan will be implemented (<https://www.k1wa.us/student-success/health-safety/school-safety-center/safety-planning-toolkit>) for the student(s) involved. The plan may include changing seating arrangements for the complainant, targeted student, and/or the alleged aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a safe person for the complainant; altering the alleged aggressor's schedule and access to the complainant, and other measures.

If, during the course of an investigation, the employee conducting the investigation becomes aware of a potential violation of the nondiscrimination policy [Policy 3210], the investigator will promptly notify the civil rights compliance officer. Upon receipt of this information, the civil rights compliance officer must notify the complainant that their complaint will proceed under the discrimination complaint procedure in WAC 392-190-065 through WAC 392-190-075 as well as the HIB complaint procedure. The notice must be provided in a language that the complainant can understand. The investigation and response timeline for the discrimination complaint procedure will follow that set forth in WAC 392-190-065 and begins when the YNTS knows or should have known that a written report of harassment, intimidation or bullying involves allegations of a violation of the nondiscrimination policy.

4. Within two (2) school days after receiving the Incident Reporting Form, the school designee will notify the families of the students involved that a complaint was received and direct the families to the policy and procedure on harassment, intimidation and bullying.
5. In rare cases, where after consultation with the student and appropriate staff (such as a psychologist, counselor, or social worker) there is evidence that it would threaten the health and safety of the complainant or the alleged aggressor to involve their parent/guardian, YNTS may initially refrain from contacting the parent/guardian in its investigation of harassment, intimidation, or bullying of a student. If professional school personnel suspect that a student is subject to abuse and neglect, they must follow policy for reporting suspected cases to the appropriate authorities.
6. The investigation will include, at a minimum:
 - a. An interview with the complainant;
 - b. An interview with the targeted student, if different than the complainant;
 - c. An interview with the alleged aggressor;
 - d. A review of any previous complaints involving the complainant, the targeted student, or the alleged aggressor; and
 - e. Interviews with other students or staff members who may have knowledge of the alleged incident.
7. The principal or designee may determine that other steps must be taken before the investigation is complete.
8. The investigation will be completed as soon as practicable but generally no later than five (5) school days from the initial complaint or report. If more time is needed to complete an investigation, the parent/guardian and/or the student will be provided weekly updates.
9. No later than two (2) school days after the investigation has been completed and submitted to the compliance officer, the principal or designee will respond in writing or in person to the parent/guardian of the complainant and the alleged aggressor stating:
 - a. The results of the investigation;
 - b. Whether the allegations were found to be factual;
 - c. Whether there was a violation of policy; and
 - d. The process for the complainant to file an appeal if the complainant disagrees with the results.

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

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

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



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Step 4: Corrective Measures for the Aggressor

After completion of the investigation, the YNTS designee will institute any corrective measures necessary. Corrective measures will be instituted as quickly as possible, but in no event more than five (5) school days after contact has been made to the families or guardians regarding the outcome of the investigation. Corrective measures that involve student discipline will be implemented according to policy 3241, Student Discipline. If the accused aggressor is appealing the imposition of discipline, it will be prevented until the appeal process is concluded according to due process considerations or a lawful order.

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

Step 5: Complainant's Right to Appeal

1. If the complainant or parent/guardian is dissatisfied with the results of the investigation, they may appeal to the superintendent or their designee by filing a written notice of appeal within five (5) school days of receiving the written decision. The superintendent or their designee will review the investigative report and issue a written decision on the merits of the appeal within five (5) school days of receiving the notice of appeal.
2. If the complainant remains dissatisfied after the initial appeal to the superintendent, the student may appeal to the school board by filing a written notice of appeal with the secretary of the school board on or before the fifth (5) school day following the date upon which the complainant received the superintendent's written decision.
3. An appeal before the school board or disciplinary appeal council must be heard on or before the tenth (10th) school day following the filing of the written notice of appeal to the school board. The school board or disciplinary appeal council will review the record and render a written decision on the merits of the appeal on or before the fifth (5th) school day following the termination of the hearing, and will provide a copy to all parties involved. The board or council's decision will be the final decision.

Step 6: Discipline/Corrective Action

Prompt and equitable corrective measures will be taken on findings of harassment, intimidation or bullying of a student. Depending on the severity of the conduct, corrective measures may include counseling, education, discipline, and/or referral to law enforcement.

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

If the conduct was of a public nature or involved groups of students or bystanders, schoolwide training or other activities will be considered to address the incident.

If staff have been found to be in violation of this policy and procedure by not reporting harassment, intimidation, or bullying or not preventing retaliation, YNTS may impose employment disciplinary action, up to and including termination. If a certificated educator is found to have committed a violation of [WAC 181-87](#), commonly called the Code of Conduct for Professional Educators, OSPI's Office of Professional Practices may propose disciplinary action on a certificate, up to and including revocation. Contractor violations of this policy may include the loss of contracts.

Step 7: Support for the Targeted Student

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

J. Immunity/Retaliation

No school employee, student, or volunteer may engage in reprisal or retaliation against a targeted student, witness, or other person who brings forward information about an alleged act of harassment, intimidation or bullying of a student. Retaliation is prohibited and will result in appropriate discipline.



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K. Other Resources

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

L. For questions or more information, students and families can reach out to the following state or federal agencies:

- OSPI Equity and Civil Rights Office (for discrimination complaints)
360.725.6162
Email: equity@k12.wa.us
<https://www.k12.wa.us/policy-funding/equity-and-civil-rights>
- Washington State Human Rights Commission
800.233.3247
www.hum.wa.gov/index.html
- Office for Civil Rights, U.S. Department of Education, Region IX
206.607.1600
Email: OCR.Seattle@ed.gov
www.ed.gov/about/offices/list/ocr/index.html
- Department of Justice Community Relations Service
877.292.3804
www.justice.gov/crt/
- Office of the Education Ombuds
866.297-2597
Email: OEInfo@gov.wa.gov
<http://oeo.wa.gov/>
- OSPI Safety Center
Email: Schoolsafety@k12.wa.us
360.725-6068
<https://www.k12.wa.us/student-success/health-safety/school-safety-center>

M. Other Policies and Procedures

Nothing in this policy or procedure is intended to prohibit discipline or remedial action for inappropriate behaviors that do not rise to the level of harassment, intimidation, or bullying as defined in this procedure but which are, or may be, prohibited by other school rules.

Adoption Date:

Classification: **Essential**

Revised Dates: **04.02; 04.08; 12.10; 12.11; 12.14; 01.15; 07.19; 08/01/2019; 07.23**

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Yakama Nation Tribal School

"Knowledge for Generations to Come"

Policy: 3211P
Section: 3000 - Students

Procedure - Gender-Inclusive Schools

The principal or building administrator—or an appropriate, designated school employee—is encouraged to request a meeting with a two-spirit, transgender or gender-expansive student upon the student's enrollment at YNTS or in response to a currently enrolled student's change of gender expression or identity. Before contacting a student's parents, the school will consult with the student about the student's preferences regarding family involvement and consider whether safety concerns are present for the student.

The goals of the meeting are to:

- develop understanding of that student's individual needs with respect to their gender expression or identity, including any accommodations that the student is requesting or that will be provided according to Policy 3211 and this procedure and under state and federal law; and
- develop a shared understanding of the student's day-to-day routine within the school so as to foster a relationship and help alleviate any apprehensions the student may have with regard to their attendance at school.

The school may not require the student to attend a meeting as condition of providing them with the protection to which they are entitled under Policy 3211, this procedure, and state and federal law regarding gender expression or identity.

Key Definitions/Terms

- **Two-Spirit:** The term "Two Spirit" comes from the Anishinaabe word *niizh manidoowag* from the words *niizh* ("two") and *manidoo* ("spirit"). The term Two Spirits is more of a descriptive term which alludes to Native people whose identities and cultural roles aren't by western colonial standards considered cisgender heteronormative. These identities and cultural roles vary from tribe to tribe, from nation to nation, and from people to people. Two Spirit also addresses the western colonial gender binary system in which there are certain honorable individuals in many Indigenous cultures who have varying degrees of femininity and masculinity, also known as having a feminine and masculine spirit.
- **Assigned sex at birth:** The sex a person was given at birth, usually based on anatomy or chromosomes (e.g., male, female, intersex, etc.).
- **Cisgender:** A term used to describe people whose assigned sex matches their gender identity and/or gender expression (e.g., someone who was assigned female at birth and whose gender identity and/or gender expression is also female).
- **Gender Expansive:** A wider, more flexible range of gender identities or expressions than those typically associated with the binary gender system.
- **Gender Expression:** The external ways in which a person expresses their gender to the world, such as through their behavior, emotions, mannerisms, dress, grooming habits, interests, and activities.
- **Gender Identity:** A person's internal and deeply-felt sense of being female, male, both, non-binary, gender-expansive, or other—regardless of the gender assigned at birth.
- **Transgender:** A term often used to describe a person whose gender identity or expression, or both, are different from those traditionally associated with their sex assigned at birth.
- **Transitioning:** The process in which a person goes from living and identifying as one gender to living and identifying as another.

Communication and Use of Names and Pronouns

An appropriate school employee will privately ask two-spirit, transgender or gender-expansive 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. However, the student's legal name should be accessible by only necessary staff members—it should not be visible to teachers or other staff who have access to the electronic records system.

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.



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When communicating with two-spirit, transgender or gender expansive 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 or gender expression. Before communicating with parents of two-spirit transgender or gender expansive students, it's important to ask the student how school employees should refer to the student when talking with their parents and guardians. For families who are supportive, using the student's name and pronoun could be affirming for the student. For parents who are not supportive, or who are not aware of the student's transition at school, referring to their name and pronoun could be very dangerous. YNTS will not condone the intentional or persistent refusal to respect a student's gender identity or gender expression, or inappropriate release of information regarding a student's two-spirit, transgender or gender-expansive status.

Official Records

The standardized high school transcript is the only official record that requires a student's legal name. School staff should adopt practices to avoid the inadvertent disclosure of the student's two-spirit, transgender or gender-expansive status. A student's official records will be changed to reflect a change in legal name upon receipt of:

1. 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
2. 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.

YNTS will 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: <https://www.k12.wa.us/sites/default/files/public/cedars/pubdocs/2018-19cedarsreportingguidance.pdf>. The process should not be overly cumbersome, verification from a physician is not required.

The name and gender by which the student identifies will be used on all other records, including but not limited to school identification cards, classroom seating charts, athletic rosters, yearbook entries, diplomas, directory information.

Confidential Health or Educational Information

Information about a student's gender identity, legal name, or assigned sex 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). Parents have the right under FERPA to request their student's records. Educational record requests will be fulfilled according to 3231/3231P – Student Records. To ensure the safety and well-being of the student, school employees should not disclose a student's two-spirit, transgender or gender-expansive status to others, including other school personnel, other students, or the parents of other students, unless the school is (1) legally required to do so or (2) the student has authorized such disclosure.

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 their gender identity. Any student—regardless of gender identity—who requests greater privacy should be given access to an alternative restroom. However, schools may not require a student to use an alternative restroom because of their two-spirit, transgender or gender-expansive status.

Locker Room Accessibility

Use of locker rooms by two-spirit, transgender or gender-expansive students will be assessed on a case-by-case basis, with the goal of maximizing two-spirit, transgender or gender-expansive student social integration, providing an equal opportunity to participate in physical education classes and athletic opportunities and ensuring the student's safety in conformance with OSPI's guidelines. In most cases, students should be provided access to the locker room that corresponds to the gender identity they assert at school. Reasonable alternatives to locker room conditions for any student who wants additional privacy 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).



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The school will provide accommodations needed to allow the student to keep their two-spirit, transgender or gender-expansive status private. No student will be required to use a locker room that conflicts with their gender identity.

Sports and Physical Education Classes

All students, including two-spirit, transgender and gender-expansive students, are provided 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 their 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

Students are allowed 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 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 in conformance with OSPI's guidelines.

Other School Activities

In any school activity or other circumstance involving separation by gender (i.e., class discussions, field trips, and overnight trips), 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 separate students based on factors other than gender where practicable.

Training and Professional Development

One person will be designated to be the primary contact regarding this policy and procedure relating to two-spirit, transgender or gender expansive students. The primary contact must participate in at least one mandatory training opportunity offered by OSPI. When possible, the staff training and ongoing professional development will be conducted in an effort to build the skills of all staff members to prevent, identify and respond to harassment and discrimination. The content of such professional development should include, but not be limited to:

- Terms and concepts related to gender identity, gender expression, and gender diversity in children and adolescents;
- Appropriate strategies for communicating with students and parents about issues related to gender identity and gender expression, while protecting student privacy;
- Strategies for preventing and intervening in incidents of harassment and discrimination, including bullying and cyber-bullying;
- All staff responsibilities under applicable laws and policies regarding harassment, discrimination, gender identity, gender expression issues.

Discrimination and Harassment Complaints

Discrimination and harassment on the basis of sex, gender identity, or gender expression are prohibited. All YNTS staff are responsible to ensure that all students, including two-spirit, transgender and gender-expansive students, have a safe school environment. The scope of this responsibility includes ensuring that any incident of discrimination or harassment is given immediate attention and/or reported to the person designated as the primary contact relating to two-spirit, transgender or gender expansive students. The primary contact will communicate with the Civil Rights Compliance Coordinator.

Complaints alleging discrimination or harassment based on a person's actual or perceived gender identity or expression are to be taken seriously and handled in the same manner as other discrimination and harassment complaints. This includes investigating the incident and taking age and developmentally-appropriate corrective action. Anyone may file a complaint alleging a violation of this policy using the complaint process outlined in the Nondiscrimination Procedure 3210P.

This policy and procedure and procedure will be shared with all students, parents/guardians, employees, and volunteers. Upon board approval the policy will be mailed to all students, posted on the YNTS website, and included in the student handbook. All employees will be provided with a copy.

Adoption Date:

Classification: **Essential**

Revised Dates: **12.13; 02.14; 06.14; 07/01/2019; 03.22**



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Policy: 3211

Section: 3000 - Students

Gender-Inclusive Schools

The Yakama Nation Tribal School (YNTS) believes in fostering an educational environment that is safe and free of discrimination for all students, inclusive of students' gender expression, gender identity, or sex. To that end, YNTS has adopted an inclusive approach toward two-spirit, transgender and gender-expansive students with regard to key terms, communication and the use of names and pronouns, student records, confidential health and education information, communication, restroom and locker room use and accessibility, sports and physical education, dress codes, and other school activities, in order to provide these students with an equal opportunity for learning and achievement.

This policy is a component of our responsibility to create and maintain a safe, civil, respectful and inclusive learning community and will be implemented in conjunction with comprehensive training of all staff and volunteers. Specific training requirements are included in the accompanying procedure. The superintendent will appoint a primary contact to receive copies of all formal and informal complaints and ensure policy implementation. The name and contact information for the compliance officer will be communicated throughout the district. The compliance officer will participate in at least one mandatory training opportunity offered by OSPI.

This policy and its procedure facilitates compliance with local, state and federal laws concerning harassment, intimidation, bullying, and discrimination and supplements policy 3207, Harassment, Intimidation, and Bullying.

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Policy: 4218P

Section: 4000 - Community Relations

Language Access

The following procedures are intended to implement Policy 4218, establish meaningful, two-way communication between Yakama Nation Tribal School and parents/family members with limited English proficiency, and promote access for such parents and families to the all school programs, services, and activities.

A. Definitions

1. Persons with **"limited English proficiency"** are individuals who are unable to communicate effectively in English either verbally or in writing, or both, because their primary language is not English, and they have not developed fluency in the English language. A person with limited English proficiency may have difficulty in one or more of four domains of language: speaking, listening, reading, and writing. Staff are urged to remember that limited English proficiency may be context-specific—e.g., a parent may have sufficient English language skills to understand, communicate and/or exchange basic information with a teacher, but they may not have sufficient skills to communicate detailed, specific information needed in a particular context, like an IEP meeting, a 504 meeting, or a student discipline hearing.
2. **"Primary language"** means the primary language spoken by a student's parent or guardian, or the predominant language spoken in the student's home. Parents may have more than one primary language and/or dialect.
3. **"Language services"** refers to a broad spectrum of services used or required to facilitate communication and understanding between speakers of different languages, and typically includes interpretation and translation services.
4. **"Interpretation"** means the process of first fully understanding, analyzing, and processing a spoken or signed message and then faithfully rendering it into another spoken or signed language.
5. **"Interpreter"** means a spoken language or sign language interpreter working in a public school, as defined in RCW 28A.150.010, to interpret for students' families, students, and communities in educational settings outside the classroom.
6. **"Translation"** means the process of communicating the meaning of a written source-language text into an equivalent target language text in such a way that the content of both texts can be considered the same.
7. **"Qualified Interpreter"** means an interpreter who is able to interpret effectively, accurately, and impartially, both receptively and expressively using necessary specialized vocabulary.

B. Language Access Program

The language access program will include completion of the following activities:

- Adopting or developing a language access plan that outlines how language access needs will be identified, resources allocated, and standards established, and monitoring of effectiveness implemented (additional information about how to develop the language access plan is provided in a subsequent section of this procedure);
- Administering the self-assessment developed by the Language Access Technical Assistance Program of Center for Improvement of Student Learning, established in RCW 28A.300.130 for evaluating the provision of language access services (additional information about the self-assessment is provided in a subsequent section of this procedure);
- Using the guide developed by the Language Access Technical Assistance Program of Center for Improvement of Student Learning, established in RCW 28A.300.130 for developing, implementing, and evaluating language access policy, procedures, and plan. The processes for developing and evaluating the language access policy, procedures, and plan must engage staff, students' families, and other community members in ways likely to result in timely and meaningful feedback, for example partnering with community-based organizations and providing translation and interpretation in languages that are understood by students' families;
- Periodically reviewing language access policy and procedures to incorporate necessary updates;
- Collaborating with community-based organizations on how to work effectively with interpreters and families; and
- Reviewing, updating, and publishing, at least annually, information about the school district's language access plan, policy and procedures, and language access services, including the need for, and spending on, language access services. The information

P.O. Box 151, Toppenish, WA. 98948. (509) 865-4778. (509) 865-6092 Fax



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3. An appropriate and current record of students' families' primary language will be maintained and used to inform the language access plan and program.

D. Interpretation and Translation Services

1. YNTS will collaborate with community-based organizations on how to work effectively with interpreters and families.
2. As materials become available, YNTS will make reasonable efforts to implement the toolkit developed by the Language Access Technical Assistance Program of the Center for the Improvement of Student Learning, including the self-assessment, guide, and best practices.
3. Each school and District office will provide free oral interpretation services to those parents/family members who require language services to communicate effectively during any interaction with YNTS that is significant to the student's education. Free translation of vital documents will be provided as required below.
4. All interpretation and translation will be provided by competent professionals as demonstrated by certification or similar means. Reasonable steps will be taken to ensure that interpreters and translators have the knowledge in both languages of any specialized terms or concepts to be used in the communication at issue, and that they have been trained in the role of an interpreter or translator, the ethics of interpreting and translating, and the need to maintain confidentiality.
5. The Parent is welcome to invite additional persons to participate in discussions. Although a parent may decline the offer to provide an interpreter, YNTS should consider whether having an interpreter as the communication lead is still required.

Students and other minor children under the age of 18 may not serve as interpreters for school staff and parents during any formal or informal meeting or process.

6. YNTS will facilitate staff access to appropriate interpretation and translation services in order to communicate with parents and families with limited English proficiency consistent with federal and/or state law and this policy and procedure. YNTS will strive to be aware of and plan for the language access needs. For a planned program, activity, meeting, or event, staff should initiate the request for language aid or services at least three days ahead of time. Requests will be answered as soon as possible. For unplanned and urgent communication, staff should request language assistance and try to arrange for such as soon as it is known that language assistance is needed. If an interpreter cannot be found that day, open communication should be maintained, and an interpreted meeting should be scheduled as soon as possible. If no interpreter can be present, staff should utilize remote interpreting services to communicate with parents and families.
7. The following interpretation and translation services are currently available:
Centerpoint Language Services - (509) 457-2870, centerpointlanguageservices.com
Apple Valley Interpreting Service – (509) 248-3880, yvis.com

Staff will be informed of when and how to access interpretation and translation services and the administrator responsible for ensuring the availability of such services. District staff may contact, Maria Diaz, by phone at (509) 865-4778 ex. 6315 or at Maria_Diaz@yakama.com with questions or concerns, or to obtain information or assistance regarding interpretation and translation services.

8. Administrators, including those involved with registration and enrollment, certificated staff, and other appropriate staff as determined by the superintendent, will receive guidance and information regarding:
 - a. the rights of parents and families with limited English proficiency under state and federal law to language access services;
 - b. the importance of meaningfully and effectively communicating with parents and families with limited English proficiency;
 - c. the most effective ways to communicate with parents and families with limited English proficiency regarding the available language services;
 - d. the importance of utilizing competent translation and interpretation services when communicating with parents and families with limited English proficiency;
 - e. the availability of translation and interpretation services, whether through in-person interpretation, telephonic services, online services, or video-conferencing;
 - f. the mechanisms and processes for accessing translation and interpretation services when working with parents and families with limited English proficiency, including ensuring the correct language service is being accessed, checking for parent/family understanding once interpretation has commenced, and proper vetting of translations for audience-appropriate content; and
 - g. the process for reporting concerns or complaints.



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9. **Interpretation Services:** Whenever requested by a parent or families or whenever staff can reasonably anticipate that interpretation services are necessary to meaningfully communicate with parents or families regarding important information about the student's education or school activities, YNTS will provide interpretation services in accordance with this procedure.

Such interpretation services may be provided either at the location where the parent or family member is seeking to communicate or by electronic means, such as telephone or video conferencing.

Upon three days' notice that such services are required, YNTS will provide interpretation services at public meetings organized or sponsored by YNTS (e.g., board meetings).

10. **Translation of Vital Documents:** YNTS will identify vital documents that are distributed or electronically communicated to all or substantially all parents containing important information regarding a student's education, including but not limited to:
- a. registration, application, and selection;
 - b. academic standards and student performance;
 - c. safety, discipline, and conduct expectations;
 - d. special education and related services, Section 504 information, and McKinney-Vento services;
 - e. policies and procedures related to school attendance;
 - f. requests for parent permission in activities or programs;
 - g. opportunities for parents to access school activities, programs, and services;
 - h. student/parent handbook;
 - a. the Language Access Plan and related services or resources available;
10. school closure information; and
11. any other documents notifying parents of their rights under applicable state laws and/or containing information or forms related to consent or filing complaints under federal law, state law, or policy.

Written translation of vital documents will be provided for each language group that constitutes at least 5 percent of the total parent population. If YNTS is unable to translate a document due to resource limitations or if a small number of parents require the information in a language other than English such that document translation is unreasonable, oral interpretation will still be provided in a language they can understand.

Written translations of vital documents by machine/computer translation programs will not be used or issued to parents and families with limited English Proficiency without prior review and editing by a certified translator for those languages where testing for certification exists. For all languages where testing for certification does not exist, a qualified translator will be utilized. All documents and information posted or issued by YNTS for parents and families should contain a notice in appropriate language(s) that free translation and/or interpretation services are available and how to request a free translation or interpretation of the document.

9. **Translation of Student-Specific Documents:** All reasonable steps will be taken to provide parents and families with translation of any document that contains individual, student-specific information regarding, but not limited to, a student's:
- a. health;
 - b. safety;
 - c. legal or disciplinary matters; and
 - d. entitlement to public education, eligibility for special education services, placement in the English Language Learner Program, the Highly Capable Program, accelerated courses such as Advanced Placement, or any other non-standard academic program.



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10. **Alternatives to Translation:** When translation for a document otherwise required to be translated is unavailable or cannot be done, such as in an emergency situation, YNTS will provide an attached notice to parents and families in appropriate language(s) that free translation and/or interpretation services are available and how to request a free translation or interpretation of the document.

D. Providing Information to Parents and Families

1. The language access plan, policy, procedures, and services will be reviewed, updated, and published annually. The information must include notice to families about their right to free language access services and the contact information for the language access liaison/coordinator and any building points of contact for language access services. The information must be translated into common languages understood by students' families.
2. Staff will be notified of this policy annually. Staff will be regularly provided updated written guidance regarding how and when interpretation and translation services should be accessed.
3. Parents and families will also be annually notified regarding the process for filing complaints through the nondiscrimination policy if they believe that such services have not been appropriately provided.
4. Upon enrollment, information regarding available interpretation and translation services and the YNTS complaint process will be provided to parent (s) or family members who may have limited English proficiency. Reasonable steps will be taken to provide information required by this section in the primary language spoken predominantly in the home.
5. YNTS offices will post in a conspicuous location at or near the primary entrance to the school or office a sign in primary languages spoken in the district concerning the rights of parents to translation and interpretation services and how to access such services.
6. To the extent practicable, the website will provide information in designated languages concerning the rights of parents to translation and interpretation services under federal and state law and how to access such services.

E. The Collection and Analysis of Data

YNTS will annually collect and periodically analyze the following language access and language access service information:

- The language in which each student and student's family prefers to communicate;
- Whether a qualified interpreter for the student's family was requested for and provided at meetings reported in OSPI's Comprehensive Education Data and Research (CEDARS) student data system.
- Other data on provision of language access services, as required by OSPI.

YNTS will submit the information collected as required by OSPI.

YNTS will provide an opportunity for participants in each interpreted meeting to provide feedback on the effectiveness of the interpretation and the provision of language access services.

Discrimination Complaints

Discrimination based on national origin, which includes language and limited-English proficiency, is prohibited. The language access liaison/coordinator will communicate with the district's Civil Rights Compliance Coordinator. Anyone may file a complaint alleging discrimination based on language or the district's failure to provide language access services using the complaint process outlined in the district's Nondiscrimination Procedure 3210P.

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must include notice to families about their right to free language access services and the contact information for any school district language access coordinator and any building points of contact for language access services. The information must be translated into common languages understood by students' families.

Developing a Language Access Plan

The language access plan will be developed to ensure compliance with the language access policy and all other language access requirements. The language access plan will establish the following:

- Who is responsible for implementing the plan, including administrators, workgroups, committees, or other staff who will be responsible for overseeing the language access work, developing and modifying the language access plan, establishing and implementing operational procedures (i.e., how staff may access interpretation and translation services), and monitoring and evaluating the effectiveness of the language access plan and services.
- Staff training on the language access policy, procedure, and plan, including the frequency, curriculum, and target personnel who will participate in the training.
- Identification of the language access needs in the district and the services that will be provided. The plan will include a list of the languages that students, parents, and families communicate in and the prevalence of those languages. The plan will also identify the languages in the district that vital publications most commonly must be regularly translated into, in alignment with this procedure.
- How outreach will be conducted to parents and communities with language assistance needs and the actions needed to implement an effective system for gathering feedback.
- What resources will be allocated for the provision of language access services.
- A description of the timeframe, objectives, and benchmarks for work to be undertaken.
- The approach to monitoring and evaluating the effectiveness of the language access plan and services, and the process for modifying the language access plan and operating procedures in response to feedback and changing language needs.
- In developing and modifying the language access plan, self-assessment data and other collected feedback will be used.
- In developing the language access plan, the standards for providing language access services as outlined in this procedure and the policy will be adhered.

Self-Assessment

- In developing the language access plan, the language access coordinator/liaison will administer a self-assessment to assess the efficacy of communication with people with language assistance needs and inform language access planning, including evaluating the following areas:
 - How individuals with language access needs interact with YNTS
 - How well YNTS is providing language assistance services
 - How well YNTS is identifying individuals with language access needs
 - Whether school staff receive appropriate training on the language access and policy and plan
 - How notice of language assistance services to its community
 - Whether there is an effective process for monitoring and updating language access policy and plan.
- In implementing the self-assessment, the language access coordinator/liaison will engage with community members, leaders, and organizations that have the inherent knowledge about cultural and language access needs.
- The coordinator/liaison may administer the self-assessment tool developed by the OSPI Language Access Technical Assistance Program of Center for Improvement of Student Learning for evaluating the provision of language access services.
- The coordinator/liaison will re-administer the self-assessment on a periodic basis.

C. Identification of Families Needing Language Access Services

1. Upon student enrollment and periodically through a student's education, YNTS will utilize a survey to identify parents who need language access services and the languages in which they may need assistance. The survey will be translated into the most commonly known languages spoken in the district and will be included in the standard enrollment packet provided to all parents.
2. Schools must determine within thirty (30) days of a student's enrollment the primary language spoken by the parent of each student enrolled in the school, and if such language is not English, whether the parent requires language services to communicate effectively with the school.



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

Complainant means the person who has reported the harassment, intimidation, or bullying.

C. Behaviors/Expressions

"Harassment," "intimidation," and "bullying" are separate but related behaviors directed toward students. Although this procedure defines the three behaviors, this differentiation should not be considered part of the legal definition of these behaviors. RCW 28A.600.477 presents HIB as a broad and inclusive term and it is not meant to place undue emphasis on whether the behavior is "harassment," or "intimidation," or "bullying."

Harassment refers to any malicious act, which causes harm to any student's physical wellbeing. It can be discriminatory harassment, malicious harassment, or sexual harassment. Intimidation refers to implied or overt threats of physical violence toward a student. Bullying refers to unwanted aggressive behavior(s) by a student or group of students toward another student and that involves an observed or perceived power imbalance and is repeated multiple times or is highly likely to be repeated. Bullying may inflict harm on the targeted student including physical or educational harm. Bullying can also occur through technology (sharing pictures, videos, or text messages) and is called electronic bullying or cyberbullying.

Expressions of Harassment Intimidation and Bullying may include but are not limited to threats, rude comments or gestures, unwanted touching, rude jokes, notes, texting, social media, gossip, rumors, voyeurism and sexting (the electronic transmission of sexually explicit images, videos, and/or text messages).

It is considered a violation of the state HIB law if any of the above behaviors are occurring.

D. Relationship to Other Laws

This procedure applies only to conduct toward students as reflected in RCW 28A.600.477 – Prohibition of Harassment, Intimidation and Bullying. There are other laws and procedures to address related issues such as sexual harassment or discrimination.

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

1. RCW 28A.600.477 – Prohibition Harassment, Intimidation and Bullying
2. [RCW 28A.640.020 – Sexual Equality](#)
3. [RCW 28A.642 – Prohibition of Discrimination in Public Schools](#)
4. [RCW 49.60.010 – The Law Against Discrimination](#)

Compliance will be ensured with all state laws regarding harassment, intimidation, or bullying of a student. Nothing in this procedure prevents a student, parent/guardian, or YNTS from taking action to remediate harassment or discrimination based on a student's membership in a legally protected class under local, state, or federal law.

E. Prevention

1. Dissemination

The school and website will prominently post information, as provided by OSPI, on reporting harassment, intimidation, or bullying; the name and contact information for making a report to a school administrator; and the name and contact information for the HIB Compliance Officer. Policy and procedure will be available in a language that families can understand.

Annually, the superintendent will ensure that language provided by OSPI summarizing the policy and procedure is provided in student, staff, volunteer, and parent handbooks, is available in school and offices and/or hallways, and is posted on the website.

Additional distribution of the policy and procedure is subject to the requirements of chapter 392-405 WAC.

2. Education

Annually, students will receive age-appropriate information on the recognition and prevention of harassment, intimidation, or bullying at