

Vortex Bootcamp: School Conduct, Investigations, Discipline and Related Legal Obligations

August 10th (8:00 - 3:30)

Join Zoom Meeting

<https://zoom.us/j/98626290178>

Meeting ID: 986 2629 0178

Training Agenda

8:00 - 8:15 Big Picture

One incident can invoke multiple student processes. The purpose of this training is to know what systems to activate, how the systems interact, and how to receive support.

8:15-8:30 School conduct investigation basics

8:30-8:45 Q&A with Blue Sky

8:45-9:30 Threat assessment process (Security and Safety Team)

- Identifying threats
- Secure Safety of targets and the school
- Screener
- Gathering Information
 - Discipline
 - Statements - from staff and students
 - Online activity and social media
 - Police reports
 - All information related to the threat
- Parent questionnaire
- Full threat assessment
 - All investigation should be complete
 - This is a review of the info collected
- Written documentation
 - Safety plans (*template)
 - Must monitor the student/set up follow-up during TA
 - All docs uploaded to the drive
 - TA in Frontline
- SPED

9:30-10:00 Scenarios on Threat Assessment

10:00-10:15 BREAK

- 10:15-10:45 Suicide Risk Review (SRR) Overview (Tammy Lawrence)**
- Review Protocol/Process
 - Roles/Responsibilities
 - Preview of additional training on Frontline in September/October
- 10:45-11:30 Student Conduct and Discipline (Directors of Student Services and Supports)**
- Summary of Student Discipline Disparities in the District and By School
 - Revised Behavior Definitions and Codes
 - Matrix, Referral Form, and District Tools
 - Data Review: Monthly
 - Resources for Ongoing Support regarding Student Discipline
 - Legal procedures, including students with disabilities
- 12-12:30 BREAK**
- 12:30-12:35 Legal Issues in School Discipline**
- 12:35-1:20 Bullying: Investigations, Intervention (Tammy Lawrence & Katie Romero)**
- Identifying issues
 - Interim Remedies
 - Safety Plans
 - Reporting to Families
 - Legal procedures
- 1:20-1:45 Scenarios on Bullying**
- 1:45-2:30 Title IX Investigations, Intervention, & Documentation (Kathleen Sullivan)**
- Identifying Issues
 - Interim Remedies
 - Safety Plans
 - Reporting to Families
 - Preview of Future Training: Investigators/Decision-Makers
 - **Scenarios**
- 2:30-2:45 Interfacing with Law Enforcement (Brendan Sullivan & Kathleen Sullivan)**
- Sharing Information
 - Student Status Pending Action
 - Monitoring and evaluation of students with high level criminal charges (not from a school setting)
- 2:45-3:00 VORTEX: Documentation**
- **IC requirements and directions (Kathleen Sullivan)**
 - **Frontline (Shannon Numair and Jesse Lunsford)**
- 3:00-3:30 Final comprehensive scenario/Q & A**

VORTEX BOOTCAMP UPDATE

Thank you for enrolling in the August 10th Vortex Bootcamp.

We have an ambitious [agenda](#) for Monday and are committed to making it a productive day for you, especially knowing how much else you have to do.

To the extent possible, recognizing that this information is coming later than we had hoped, please try to complete these [Pre-workshop activities](#). By previewing the content, we are hoping to spend the day providing summary overviews of each area, then turning to scenarios and questions.

We will send an update tomorrow with the Zoom information as well as access to the Blue Sky Bridge video and updated Title IX regulation, referenced in the workshop activities.

Thank you for all you do.

Rick Kellogg
Tammy Lawrence
Mike Lowe
Jesse Lunsford
Shannon Numair
Katie Romero
Brendan Sullivan
Kathleen Sullivan

Vortex Bootcamp: Pre-workshop Task

Big Picture: Q&A with Blue Sky

Watch two videos (35 minutes total)

[Blue Sky Bridge Video: Mandatory Reporting: Responding to Disclosures while Setting Investigations up for Success](#)

[Submit questions for Blue Sky Bridge](#)

[BVSD's Mandatory Reporting Video](#) (can be done as part of your district-wide PD)

Threat assessment process (Security and Safety Team)

Review BVSD's Threat Assessment [Protocols and Forms](#) (15 minutes)

Suicide Risk Review (SRR) Overview

Review BVSD's 2020-2021 SRR [Protocol](#) (5 minutes)

Student Conduct and Discipline

Review BVSD's Revised Policies and Forms (15 minutes)

Prioritize [Discipline Matrix & Discipline Codes Cheat Sheet](#)

As time permits, review [Revised Policies and Resources](#)

Bullying

Review BVSD's [New Policy and Regulation](#) (15 minutes)

[Investigating Checklist](#)

Title IX

Review Title IX [new regulations summary](#) (15 minutes) OR BVSD's New Policy regulation (10 minutes)(link to be provided 8/7)

Resources to be updated: [JBB: Sexual Harassment, Rights, Checklist, Sample Redacted Report](#)

Documentation

Review [Tips for Effective Documentation](#)

For Monday:

[Updated Agenda for afternoon](#)

[Workshop slide deck](#)

[Scenarios for Workshop](#)

VORTEX BOOTCAMP UPDATE #2

Dear Leaders,

We are looking forward to our time together on Monday. [Agenda](#)

Hopefully, you will find the [Pre-workshop activities](#) to be helpful. We are very excited to debut (and added the active link for) a video made specifically for BVSD by Blue Sky Bridge. Representatives from Blue Sky will be with us live early in our day on Monday, and we would like to gather some questions ahead of time to make the most of our Q&A session. Please use this [form](#) to submit your questions. Responses should be submitted no later than midnight 8/9/20 to be included in the session.

We will be using Zoom so we can have breakout rooms for the scenario work. Our amazing IT team is still working through the details, but we promise you will have a working invite for Monday.

We appreciate all you do and thank you for your engagement with this important work.

Rick Kellogg
Tammy Lawrence
Mike Lowe
Jesse Lunsford
Shannon Numair
Katie Romero
Brendan Sullivan
Kathleen Sullivan



BOULDER VALLEY
SCHOOL DISTRICT

VORTEX Boot Camp: School Conduct, Investigations, Discipline & Safety

Agenda

- **Mandatory Reporting**
- **Threat Assessments**
- **Suicide Risk Reviews**
- **School Discipline**
- **Bullying/Harassment**
- **Title IX Sexual Harassment**
- **Engaging with Law Enforcement**
- **Documentation**

BVSD Strategic Plan, Theme 4, Objective 6

Align to a common, research-based framework that ensures all students and adults feel supported, respected, and safe.



Implementation Priorities

- Articulate district systems for threat assessments, discipline, Title IX (sexual harassment/sexual assault), bullying, and safety planning.
- Clarify interrelationships between the systems for all students, including students with disabilities.
- Establish documentation expectations that facilitate efficient, careful sharing of sensitive student information.
- Use data to assure equitable implementation of systems to eliminate disparities based on race.



BVSD Priorities

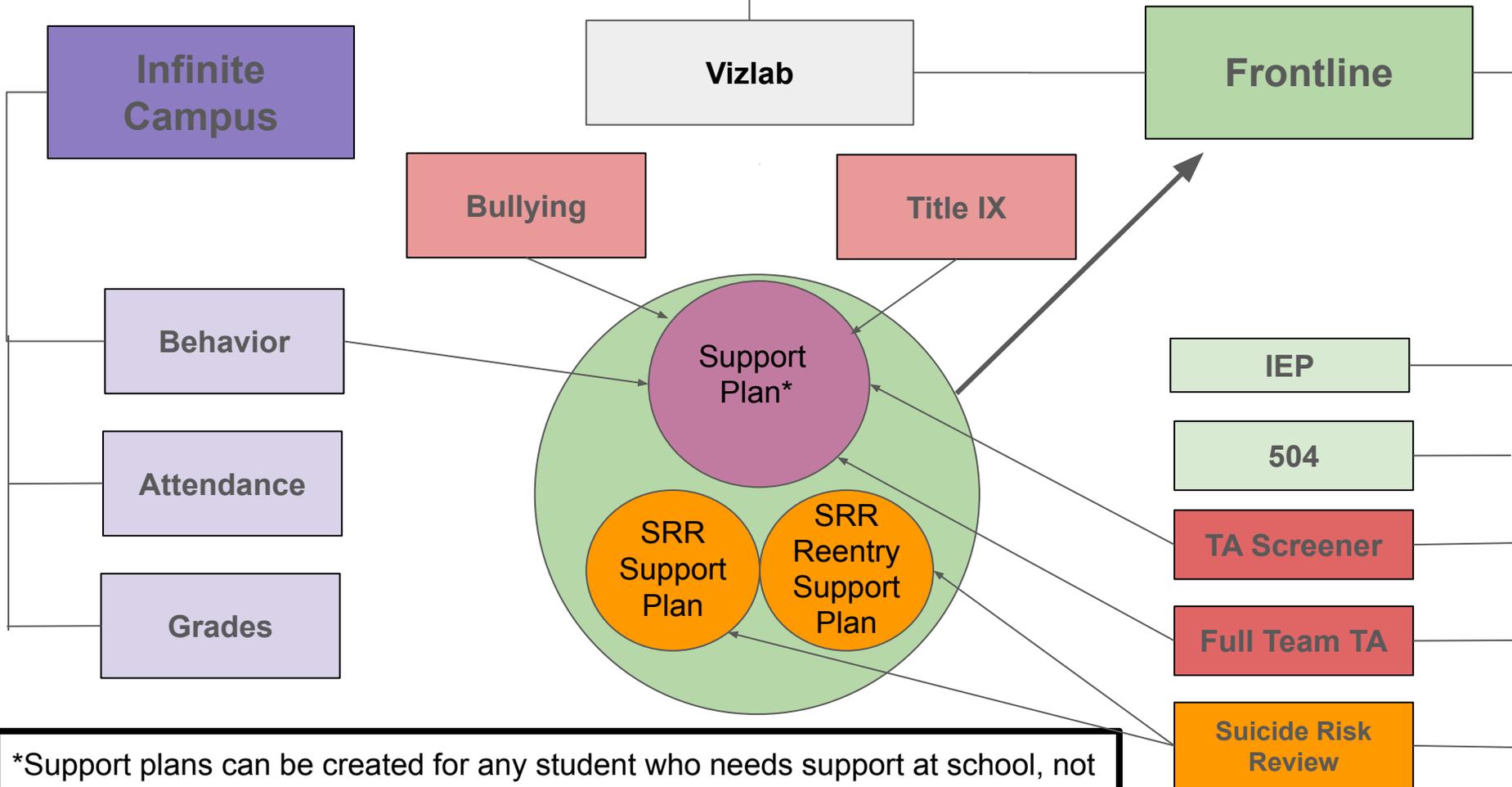
- Ensure the safety of all students
- Ensure that students are receiving targeted supports for concerning behavior
- Open communication with all stakeholders/service providers to help students be successful

Colorado School Safety Law

- Claire Davis Act, took effect July 1, 2017
- Creates a duty for schools to exercise **reasonable care** to protect all students and staff from harm from acts committed by another person when the harm is **reasonably foreseeable**.
- Creates an exception to governmental immunity for “an incident of school violence” (resulting in death or serious bodily injury, murder, 1st degree sexual assault or felony sexual assault)

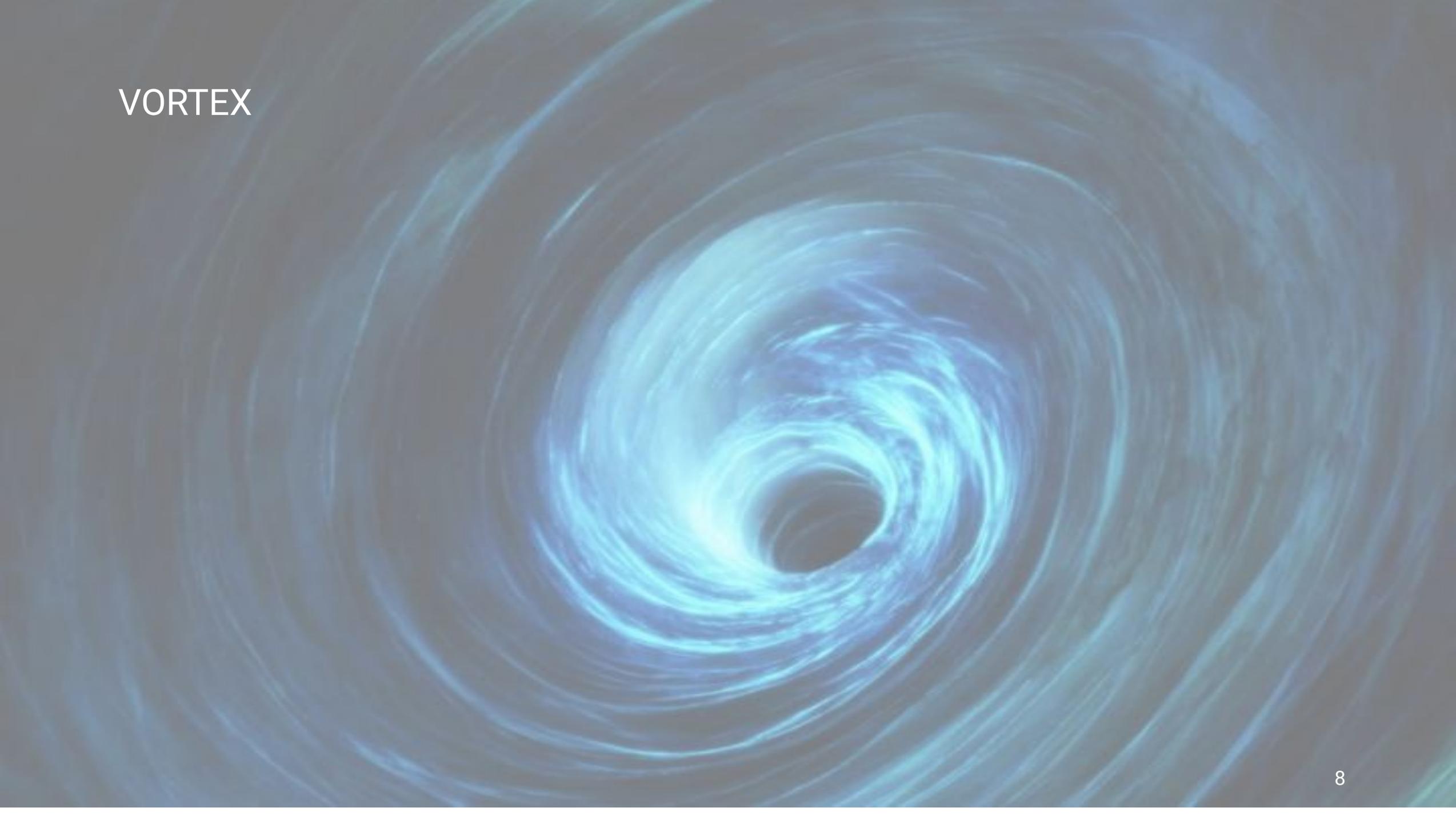


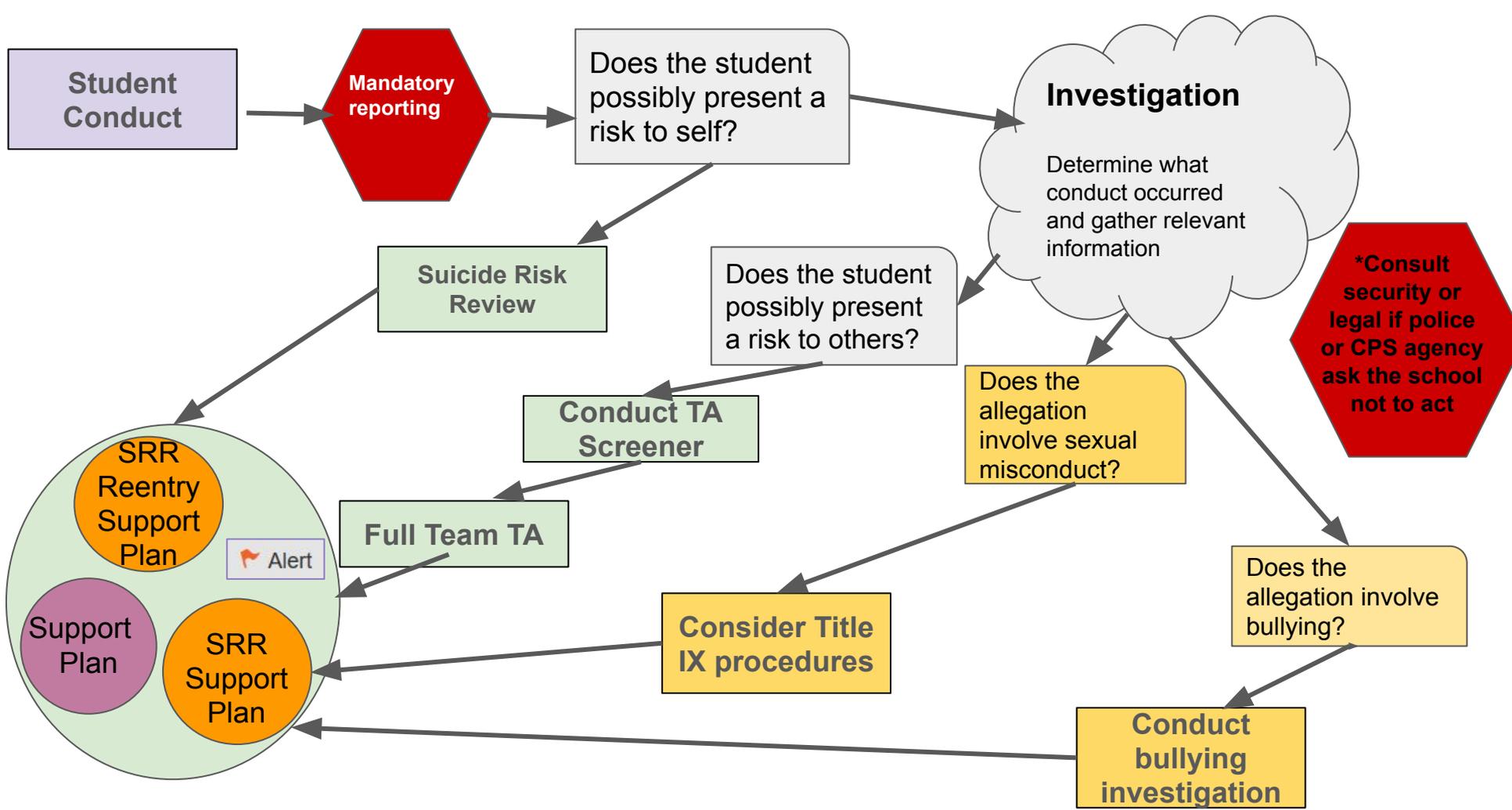
Information Map



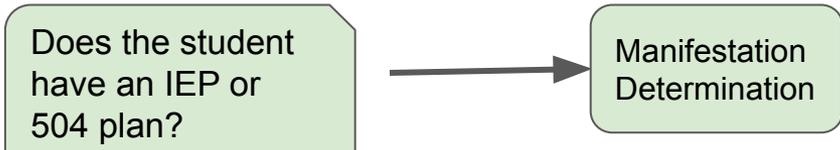
*Support plans can be created for any student who needs support at school, not limited to students who have exhibited behavioral concerns, students who have been victims of bullying or harassment, or students who have complex custody concerns or family matters.

VORTEX





Location Key:



Investigation Basics

- Identify allegation/conduct to be investigated. Know which policy applies.
- Review any video and documents.
- Talk with all students involved. Ask:
 - for a detailed account of what happened
 - for names of witnesses
 - a response to the allegations (if appropriate)
- Follow up with any additional witnesses identified during interviews.

- Document each and every meeting, phone call, message, and other relevant action with clear and objective notes.
- Keep track of all documents provided.
- Reach an outcome, document it, notify the necessary people.





BOULDER VALLEY
SCHOOL DISTRICT

Mandatory Reporting of Child Abuse and Neglect

Reporting is mandatory

C.R.S. § 19-3-304 requires all public school employees to report child abuse or neglect and establishes criminal and civil consequences for violations.



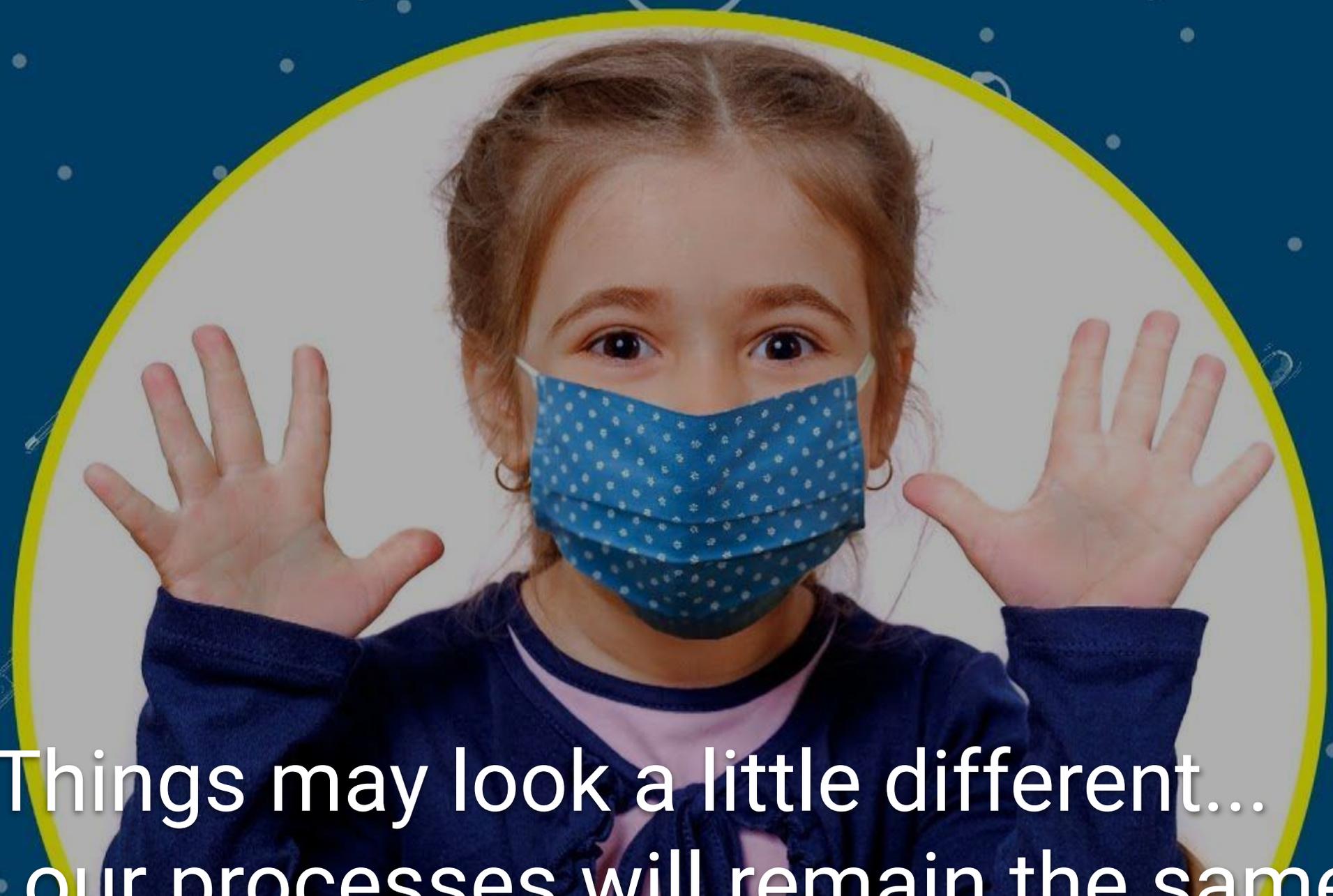
BLUE SKY BRIDGE



**Mandatory
Reporting**

**Responding to Disclosures while
Setting Investigations up for
Success**

Threat Assessments



Things may look a little different...
but our processes will remain the same.

District Threat Assessment Team (by area)

	EAST	SOUTHWEST	NORTHWEST
SPED	Scott Sparks	Joy Larson	Michelle Brenner / Eric Warneke
Mental Health	Traci Hagie, Yadira Cook	Jessica Hebel, Kim Wright	Jamie Smalley, Katie McGee
Student Support	Tammy Lawrence	Mike Lowe	Katie Romero
Law Enforcement	SRO	SRO	SRO
Security	Jesse Lunsford	Jesse Lunsford	Jesse Lunsford



When?

Anytime a threat is communicated or a student is found to be in possession of a weapon



Threat Assessment Protocol



School Threat Assessment Protocol

Anytime a threat is communicated or a student is found to be in possession of a weapon:

Step 1: Contact a SPED (District) representative if applicable. Complete Threat Screen with at least one other staff member. ([Google Form](#))
Email the [Parent Interview form](#). ([Spanish](#))

Step 2: Contact the Security Manager if the screener indicates a full threat assessment is needed or if you are unsure.

Step 3: Collect all necessary background information and conduct relevant interviews (per [BVSD Threat Assessment Protocol](#)).

Step 4: Contact the Administrative Assistant (5930) for Security to schedule a Full Team Assessment. The Team will include Security, SPED (if applicable), Mental Health, and Student Services from the District. Representatives from the School should include an administrator, law enforcement, and one other staff member with knowledge of the incident.

Step 5: The Security Manager will facilitate the meeting and the team will come to a consensus as to the level of the threat.

Step 6: At the conclusion of the threat assessment meeting, the District team will assist the school in the development of an RMS Plan to address the needs of the student.



Identifying Threats

- All threats should be taken seriously
 - Staff
 - Students
 - Safe2Tell
 - Anonymous



Step 1

- Complete Threat Screen with at least one other staff member. (Google Form/Frontline)
- Contact a SPED (District) representative if applicable.
- Email the Parent Interview form.



Threat Screen

- Should be completed with every threat
- Most should not result in a full team assessment
- All should result in some form of support plan



Step 2

- Contact Debbie Sedelmeier to schedule the meeting.
- Contact Security Manager if unsure about the need for a Full Team Assessment

Step 3

- Collect all necessary background information and conduct relevant interviews.



Gathering Information

- Parent Survey
- Grades
- Law enforcement records
- Infinite Campus
- Social media accounts
- Statements - from staff and students
- All other possible sources of information



Step 4

- Security will schedule Full Team Assessment to include SPED, Administrator, Security Manager, Student Services, Law Enforcement and Mental Health.
- Limit participants to the extent possible.



Full Team threat Assessment

- All information that is to be considered must be collected prior to the Threat Assessment meeting
- Facilitated by District Personnel
 - District Security
 - Student Support Services
 - Mental Health/Social Worker
 - District SPED
 - School Administrator
 - School Counselor (or a staff member directly involved)



Step 5

- The District Security Manager will facilitate the meeting and the team will come to a consensus as to the level of the threat.

Step 6

- At the conclusion of the threat assessment meeting, the District team will assist the school in the development of an RMS Plan to address the needs of the student.



Step 7

For students with disabilities:

An IEP/504 team must address the TA in an IEP/504 meeting and:

1. Consider the TA's findings and plan as part of available information about the student.
2. If any part of the TA conflicts with the student's IEP, consider the need to revise the IEP.

**Process must comply with IDEA's requirements, such as considering multiple placement options.

Resource: [Written guidance](#)



Monitoring the Plan

- Principals and schools are responsible for implementing and monitoring safety plans.
- When restrictive provisions are in the student's plan, leadership must reconvene the team every six weeks (at a minimum) to discuss the student and the plan.
- This will continue until the student is taken off the plan.



Scenario

- Safe2Tell tip: Janie and Fredo were dating and went through a breakup recently. Tipster believes Janie is going to bring a gun to school.
- Tipster believes Janie may be contemplating harming herself and Fredo.
 - Immediate action needs
 - What are your first steps?
 - Immediate considerations for site safety?
 - What notifications are you going to make?



Scenario (continued)

- After the school is secure, what are your next steps?
- What information do you need?
 - How are you going to get the information?
- Who would you contact?
- Possible next steps?



Suicide Risk Assessments

Suicide Risk Assessment

- The Past
 - Forms were in paper, two years ago we moved to a Google Form
 - Special Service Providers completed the forms
- The Future
 - We will be using the Columbia Protocol, also known as the Columbia-Suicide Severity Rating Scale (C-SSRS)
 - This tool supports suicide risk assessment through a series of simple, plain-language questions that anyone can ask. The answers help users identify whether someone is at risk for suicide, assess the severity and gauges the level of support that the person needs.



Suicide Risk Assessment

- Users of the tool asks individuals...
 - If they have thoughts about suicide
 - What actions they have taken – and when – to prepare for suicide
 - If they have attempted suicide or began a suicide attempt that was either interrupted by another person or stopped of their own volition



Suicide Risk Assessment

- The C-SSRS screens for a wide range of risk factors without becoming overwhelming.
- The Columbia Protocol is:
 - **Simple.** Ask all the questions in a few moments or minutes – with no mental health training required to ask them.
 - **Efficient.** Use of the protocol redirects resources to where they're needed most.
 - **Effective.** Real-world experience and data show the protocol has helped prevent suicide.



Suicide Risk Assessment

- **Evidence-supported.** An unprecedented amount of research has validated the relevance and effectiveness of the questions used in the Columbia Protocol to assess suicide risk, making it the most evidence-based tool of its kind.
- **Universal.** The Columbia Protocol is suitable for all ages and special populations in different settings and is available in more than 100 country-specific languages.



Suicide Risk Assessment

ENDORSED, RECOMMENDED, OR ADOPTED BY:



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 >

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Student Support Services

Our goal is to help every student succeed in their academic, career and personal lives.

Student Support Services, which oversees BVSD's School Counseling Program, is responsible for developing curriculum and supports focused on academic success, career development and life skills. Additionally, we work to cultivate a district and school culture that celebrates diversity -- where everyone, including ALL students, are welcome, safe, included and supported.

[Suicide Prevention Protocols](#)

[Discipline Processes](#)

Suicide Risk Assessment Protocol

The following steps will assist school personnel in the event of a threat of suicide by students of Boulder Valley School District. The process includes the documentation of information and an outline for developing an intervention plan.

Steps for Assessing a Student's Suicidal Risk:

- If the student is in immediate risk to self or others contact building administration and/or call 911.**
- Never leave the student alone.**
- Assess the student using the Suicide Risk Review**



Suicide Risk Assessment Protocol

Contact parents in every instance.

- Complete the **Parent Contact Acknowledgement Form (English)** or **Parent Contact Acknowledgement Form (Spanish)**.
- If needed, complete the **Release of Information (English)** or **Release of Information Form (Spanish)**.
- Provide the **Parent Advisement and Resources** page. Discuss the need for home safety and supervision (access to weapons, drugs, RX's, etc)



Suicide Risk Assessment Protocol

Develop a **Personal Safety Plan** with students.

- If the student is assessed *at a **RED LEVEL***, contact the parents and encourage transport to a medical provider.
 - Give a copy of the SRR to the parents for use at medical provider.
 - When the student returns to school, complete a **Re-Entry Support Plan (English) or Re-Entry Support Plan (Spanish)**.
- Summarize the outcome** of the assessment with your *building administrator* as well as *the parents*.
- Ensure that appropriate teachers** are made aware of the appropriate provisions of the Personal Safety Plan/Re-Entry Support Plan *on a need-to-know basis*.
- Keep all original documents in a secured location in the Counseling Office.



Suicide Risk Assessment Protocol

Important Considerations:

1. **Two staff members should be present** during assessment of the student, and one needs to be part of the Mental Health Team (Psychologist/Social Worker/Interventionist/School Counselor). At least one member of the assessment team should know the student well. Use professional judgement.
2. **Utilize empathy** and **proceed slowly** with the interview. Mirror the student's language to inquire about the situation.
3. **Do not make any 'deals'** with the student to keep his/her suicide behavior a secret.
4. **Obtain as much information as possible** from the student's family members.



School Conduct and Discipline

Impact of School Discipline on Academic Progress and Achievement



Current District Data

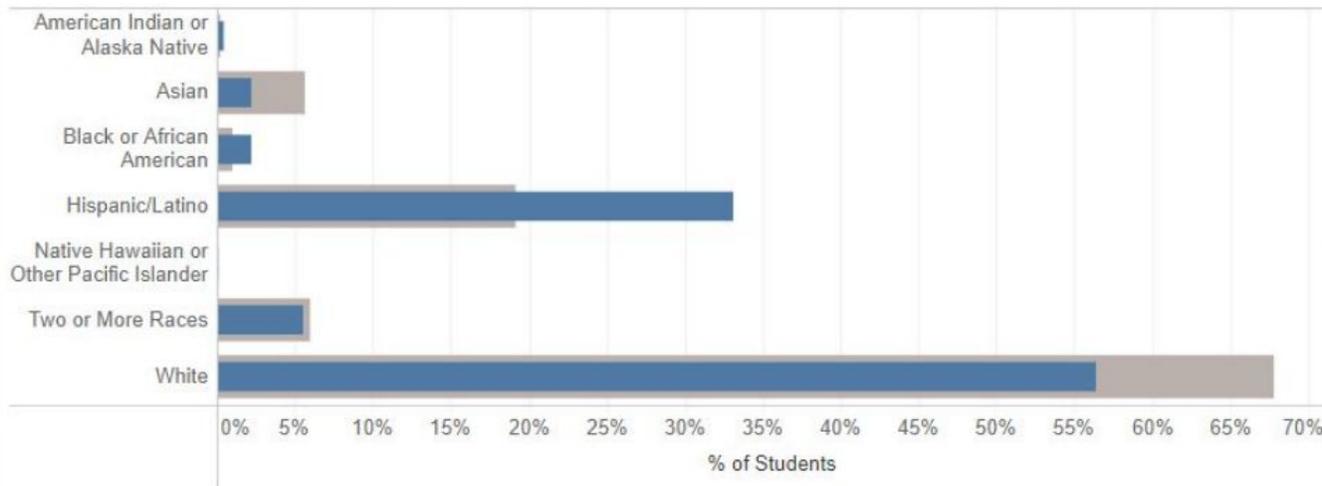
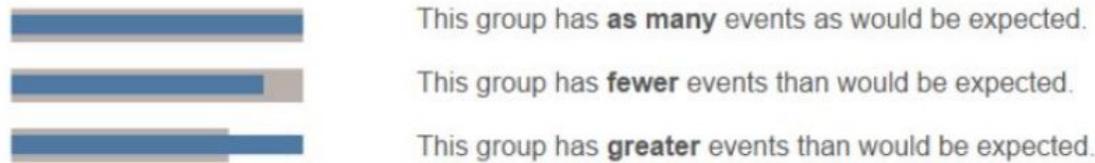


Event Ratio Comparison



Are behavior events proportional to the student population?

For a given group, what percentage of Behavior Events would be expected based on the percent in the school population overall (October Count)?



School Name
(All) ▾

School Year
2019-20 ▾

Select a View
District Level ▾

Ratio Comparison Variable
By Ethnicity ▾

Color Legend

- % of Total Distinct count of Event...
- % of Students in School (October...

Schools Refer Students Of Color for Subjective Behaviors.

Of 32 infractions, only 8 significant differences:

White students referred more for:

- Smoking*
- Vandalism*
- Leaving w/o permission*
- Obscene Language*

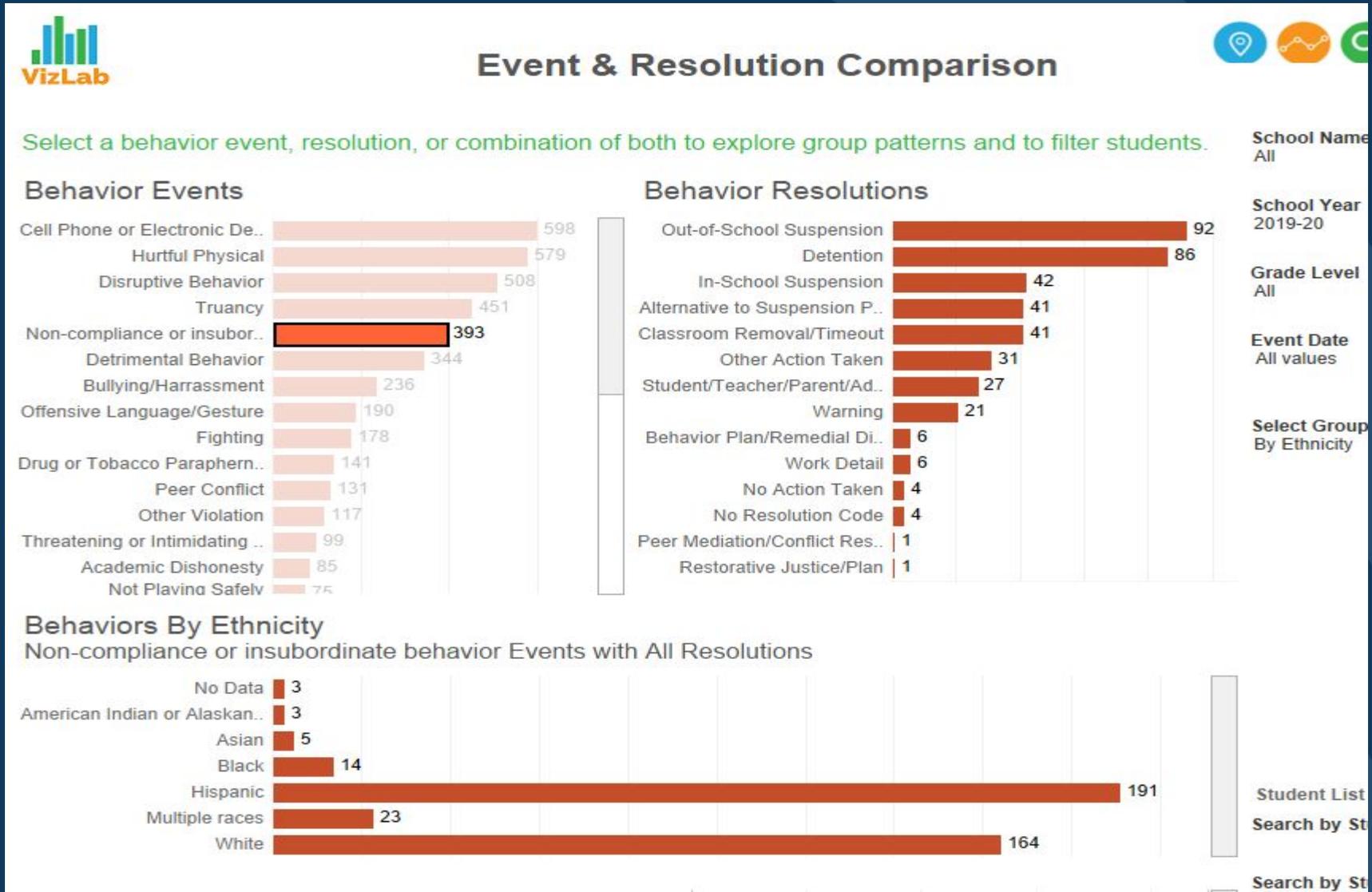


Black students referred more for:

- Disrespect*
- Excessive Noise*
- Threat*
- Loitering*

Russ Skiba, The Equity Project

Current District Data



Disparities in School Discipline

Schools Suspend Students of Color More *National Suspension Rates by Race*

1 in 6 Black Students (17%)

1 in 13 Native American Students (8%)

1 in 14 Latino/Hispanic Students (7%)

1 in 20 White Students (5%)

1 in 50 Asian students (2%)

18% of Black girls suspended in middle school

1.2 % to 11% increase in ELL students suspended in middle



Out of School & Off Track: The Overuse of Suspensions in Middle and High Schools (2013).

Current District Data

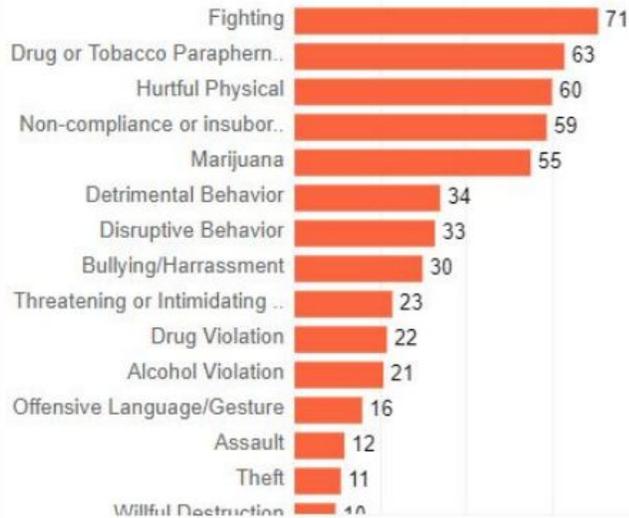


Event & Resolution Comparison

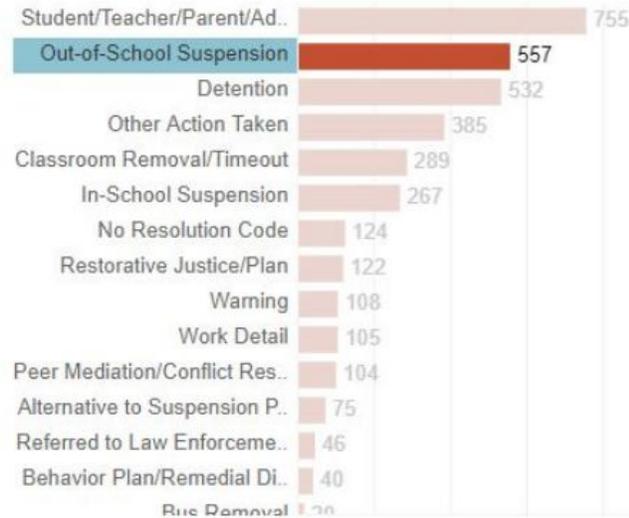


Select a behavior event, resolution, or combination of both to explore group patterns and to filter students.

Behavior Events



Behavior Resolutions



School Name

(All) ▼

School Year

2019-20 ▼

Grade Level

(All) ▼

Event Date

4/28/2010 2/3/2020



Select Grouping Variable #1

By Ethnicity ▼

Behaviors By Ethnicity

All Events with Out-of-School Suspension Resolutions



Student List Filters

Search by Student Num.

Action Step - Addressing Student Behavior

- Student Support Services, Safety & Security and District Legal offices have reviewed district discipline practices
- All schools will receive a Discipline and Conduct Manual with links
- All documents will be in one location, supported by the Student Support Services Department:
<https://staff.bvsd.org/departments/student-support-services/discipline>



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[Suicide Prevention Protocols](#)

[Discipline Processes](#)

Discipline and Conduct Manual Links

Discipline Matrix and Strategies

[Discipline Matrix](#)

[Discipline Codes Cheat Sheet](#)

Board Policies

[JBB: Sexual Harassment](#)

[JDC: Student Conduct](#)

[JDC-R: Conduct Related to Weapons](#)

[JDD: Student Discipline](#)

[JDDA: Student Abuse of Alcohol and Other Drugs](#)

JDDA-R: Student Abuse of Alcohol and Other Drugs (Regulation) ****link coming**

[JDHB: Bullying](#)

[JDHB-E: Investigating and Responding to Bullying Complaints](#)

JDHD: Discipline of Habitually Disruptive Students ****link coming**

JDHD-R: Discipline of Habitually Disruptive Students (Regulation) ****link coming**

[JD/JR: Student Conduct and Discipline Code](#)

[JDSE: Student Suspension/Expulsion](#)

[JDSE-R: Procedures for Student Suspension/Expulsion](#)

Discipline and Conduct Manual Links (con't)

Colorado Revised Statute

[C.R.S. § 22-33-106 \(grounds for suspension, expulsion and denial of admission\)](#)

Bullying

[Investigating Bullying Checklist](#)

Title IX

[Rights](#)

[Flowchart](#)

[Checklist](#)

[Sample Redacted Report](#)

Threat Assessment

[School Threat Assessment Protocol](#)

Discipline and Conduct Manual Links

Suspension / Expulsion Guidelines and Checklists

[Suspension Guidelines](#)

[Suspension Checklist](#)

[Habitually Disruptive Guidelines](#)

[Habitually Disruptive Checklist](#)

[Habitually Disruptive Incident Summary](#)

[Remedial Discipline Plan / \(Spanish Version\)](#)

[Expulsion Guidelines](#)

[Expulsion Due Process Checklist](#)

[Expulsion Documentation](#)

[Release and Waiver - Deferred Expulsion / \(Spanish Version\)](#)

[Expulsion - Sample Terms and Conditions](#)

[Special Education Student Behavior and Manifestation](#)

Discipline and Conduct Manual Links

Discipline Letters

Suspension

Elementary:

[Elementary Suspension Notice / \(Spanish Version\)](#)

[Elementary Suspension with Alternatives Notice / \(Spanish Version\)](#)

[Elementary Suspension with Alternatives Revocation / \(Spanish Version\)](#)

[Elementary Suspension Notice - Request for Additional Days / \(Spanish Version\)](#)

[Elementary Suspension Notice and Request for Expulsion / \(Spanish Version\)](#)

[Elementary In-School Restriction Notice / \(Spanish Version\)](#)

Secondary:

[Secondary Suspension Notice / \(Spanish Version\)](#)

[Secondary Suspension with Alternatives Notice / \(Spanish Version\)](#)

[Secondary Suspension with Alternatives Revocation / \(Spanish Version\)](#)

[Secondary Suspension Notice - Request for Additional Days / \(Spanish Version\)](#)

[Secondary Suspension Notice and Request for Expulsion / \(Spanish Version\)](#)

[Secondary In-School Restriction Notice / \(Spanish Version\)](#)

Habitually Disruptive

[Suspension Notice for Habitually Disruptive Behavior / \(Spanish Version\)](#)

Scenario

You return to your office after lunch. A student comes quickly into the office to say that two students got into a fight just as lunch was ending. The student also states that she thinks some students were filming it with their cameras. She gives you the names of two other students that were there as witnesses. She wants to leave the office right away because she is worried that the students will know that she was the “snitch”. A) no students are visibly injured, and B) one of the students is brought into the health room as you are talking to the student with an undisclosed injury.

*Please be ready to discuss both A) and B) when we come back together.

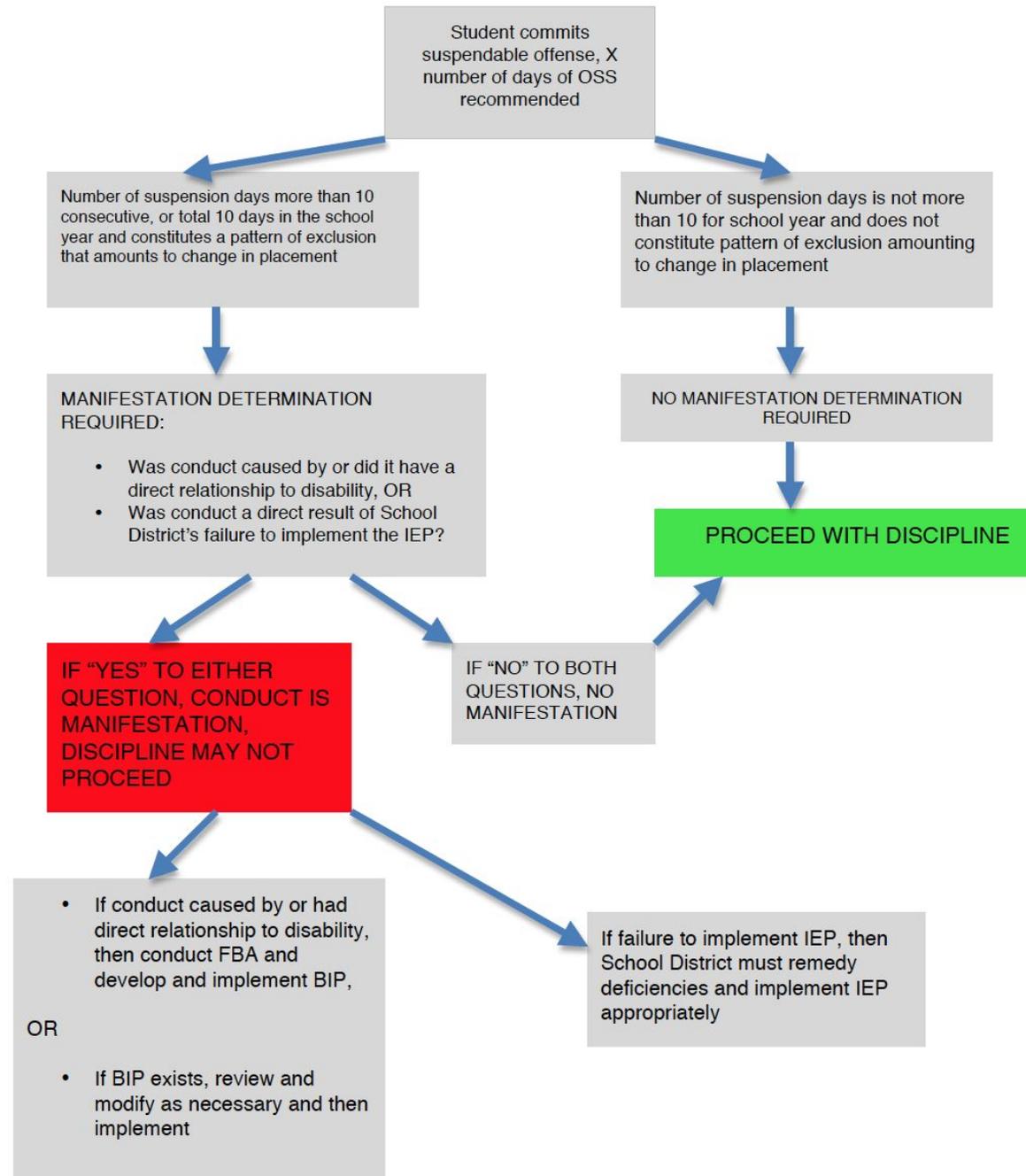
Scenario: things to think about in your breakout groups

- What are your first steps?
- Who else do you involve?
- How do you document the incident (be specific), and who is included in the documentation?

Legal Issues in Conduct/Discipline

- Kids attend or we suspend.
- Constitutional due process means notice and an opportunity to be heard before suspension.
- Non Disciplinary removals:
 - Alternate education program, including a home-based or online program as determined by the School District pending adjudication for certain offenses (Board Policy JDC; C.R.S. § 105(5)(a)).
 - Title IX Emergency Removal (Board Policy AC-R-2). (individualized safety risk).
 - Threat assessment.

Additional Procedure for Students with Disabilities: Manifestation Determinations



RESOURCE:
[Flowchart](#)

Bullying/Harassment

Federal and State Law Requirements

- Federal laws: Policy must prohibit harassment on basis of protected classes
- State law: Policy required to address bullying prevention and education and is encouraged to:
 - incorporate surveys of students' impressions of the severity of bullying in their schools
 - character building
 - the designation of a team of persons at each school of the school district who advise the school administration concerning the severity and frequency of bullying incidents that occur in the school
 - set forth appropriate disciplinary consequences for students who bully other students

C.R.S. § [22-32-109.1](#) (2)(a)(I)(K)





- BVSD School Climate Survey
- Grades 5-12
 - 55% of students say students at their school are bullied
 - 60% of students say students at their school are teased, picked on or called names

Bullying Prevention Training

- Collaboration with OASIS (Open and Affirming Sexual Orientation and Gender Identity Support) - YAC (Youth Advocating for Change)
- Student led professional development
- 15 departments have participated, roughly 500 employees, as well as NEO for the 2020-21 school year. [NEO Bullying Presentation](#)
- Parent Information can be found at bvsd.org/bullyingprevention



Bullying Prevention Training

The Bully Prevention Professional Development training addressed:

- Student's Rights
- Defined Bullying
- Bullying to Harassment
- Schools Response
- Recognizing Bullying & Microaggressions
- Strategies & Interventions
- The Bystander Effect



Curriculum Scope and Sequence

Elementary

September:

- Digital Citizenship, Cyber-bullying

October:

- **Week 1:** Types of Conflict- Rude, Mean, Bullying
- **Week 2:** Ineffective vs Effective Ways to Use Your Words
- **Week 3:** Upstander/Ally (Conflict Resolution)
- **Week 4:** Empathy

Secondary

Middle Level:

- **Driving Question:** What are the consequences of violence and bullying and how can our actions, through empathy and advocacy, promote healthy, positive decision making for a respectful school/social environment?
- **Students Will Learn:** Cause and effect of action; nonviolent conflict resolution skills

High School:

- **Driving Question:** How can identifying our biases, understanding the perspectives of others, and respecting individual differences increase inclusivity and affect positive change in our society?
- **Students Will Learn:**
- The definitions for: bias, implicit bias, discrimination, hate crimes, de-escalation, desensitize, prejudice, microaggression, harassment, bystander effect, upstander, decision making, conflict/resolution , perspective, inclusivity, society, privilege
- The laws, policies, and consequences around violence ie: bullying, harassment, discrimination, hate crimes, physical assault and sexual assault, in school, community and state

BVSD Bullying Policy and Process

[JDHB: Bullying](#)

[JDHB-E: Investigating and Responding to Bullying Complaints](#)

[Investigating Bullying Checklist](#)

Scenario

A parent contacts you to let you know that her son came home from school upset and told her that he has been bullied by a classmate for the past month and refuses to go back to school.

Get into your small groups

Use the Investigating Bullying Checklist to determine process

Be prepared to share

Title IX Sexual Harassment

Title IX of the Education Amendment of 1972

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.”

Title IX prohibits harassment on the basis of sex and gender.



What's changed?

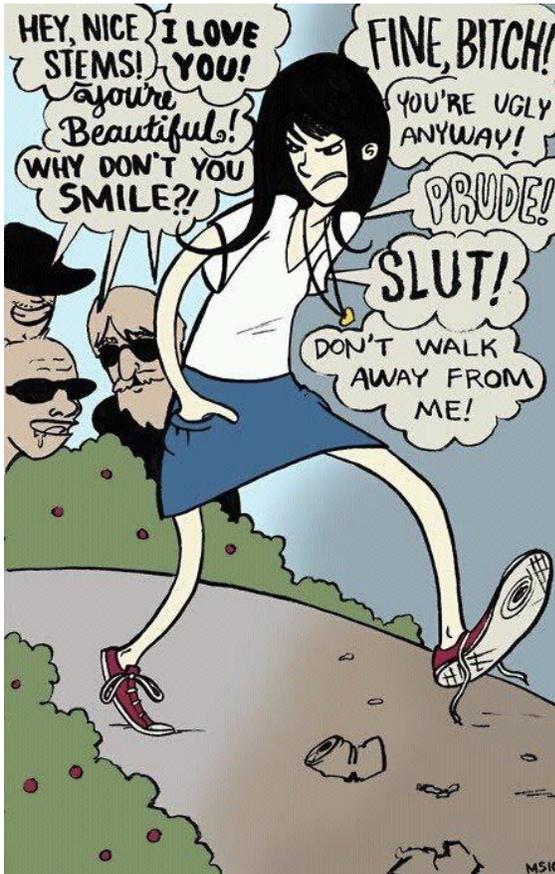
New regulations issued in May 2020 significantly changed Title IX procedures and expectations. Board will adopt a new Policy regulation on August 11 [AC-R-2](#) and new Notice of Title IX [Rights](#)

School District must now have three roles: Title IX Coordinator, Investigator, & Decision-maker

School District will provide additional training on roles, offer ongoing support through DSSs, Security and Safety, and Legal, and direct support from Legal in preparing documents and managing deadlines



What is sexual harassment?

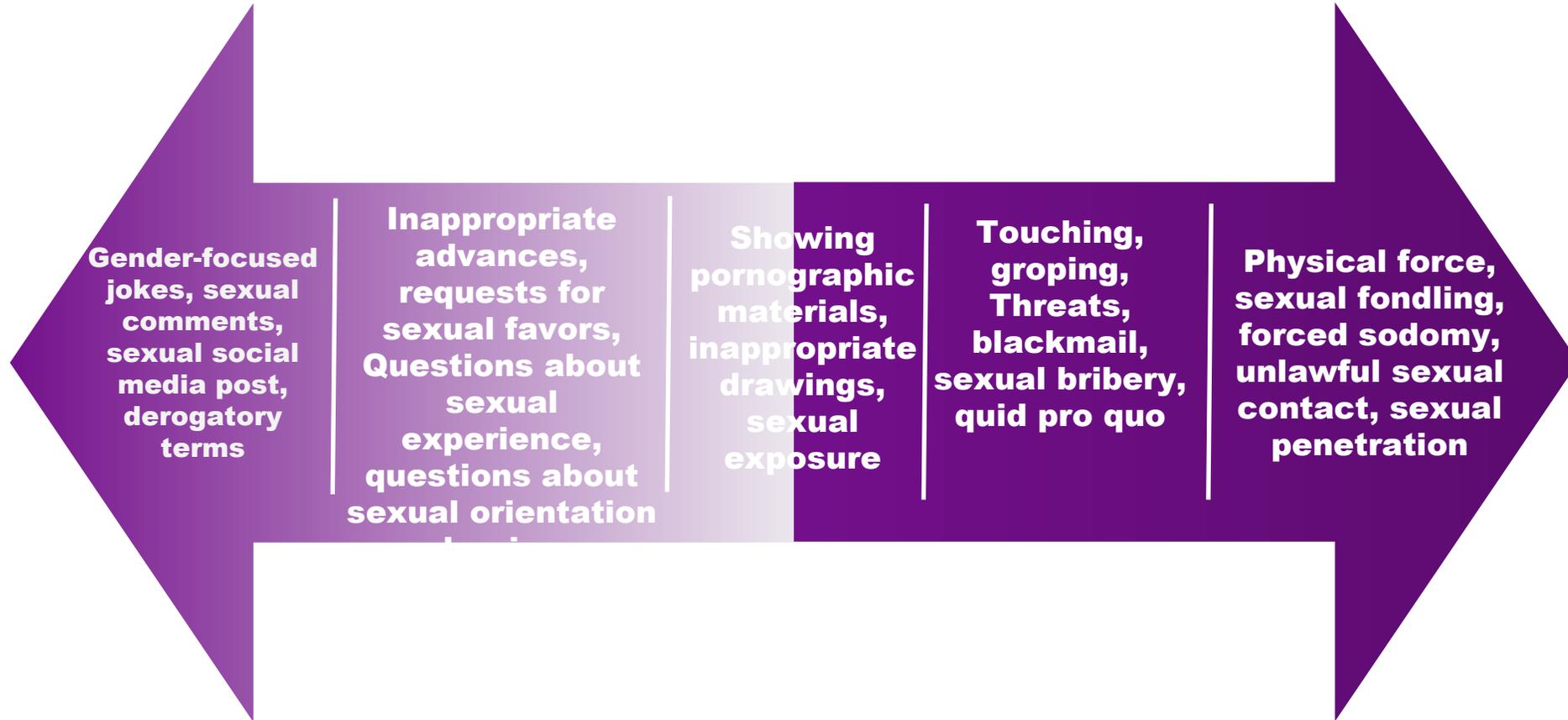


New Title IX definition (Board Policy AC-R-2)

1. A School District employee conditioning the provision of an aid, benefit, or service of the School District on an individual's participation in unwelcome sexual conduct (i.e., quid pro quo);
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the School District's education programs or activities; or
3. Sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA)

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual/Gender Harassment



1. **Clearly unacceptable**
2. **Offensive to some** people and not to others
3. **Offensive depending** on context

Interim remedies = Supportive Measures

Non-disciplinary, non-punitive individualized services offered as appropriate to preserve or restore access to the School District's educational program or activity, including measures to protect the safety of all parties or the educational environment, and/or to deter sexual harassment and/or retaliation.

New regulations specify: Available without charge to a complainant regardless of whether a formal complaint of sexual harassment is or will be filed and to both parties following the filing of a formal complaint.

Supportive Measures

- Separating the students in the classroom, lunch room, recess, bus rides, or during before and aftercare
 - The more severe or persistent the contact, the more intense the separations (no-contact agreement vs. suspension)
- Change class schedules
- Provide additional supervision in areas or classes
- Providing mental health support for complainant (alleged victim)
- Ensure complainant (alleged victim) has a person identified to tell should the conduct continue or escalate
- Extension of academic deadlines

****Document in safety plan in Google/Frontline.****



Title IX Investigations/Documentation

New regulations require:

The investigator to share the evidence with both sides for 10 days before writing the investigation report.



The decision maker must facilitate questions between the parties and witnesses.



Title IX Investigations/Documentation

- **Investigation Notes/Checklist:** Conduct a thorough investigation. Take notes about the investigation. Note the time interviews start and end, key statements and quotes from interview.
- **Outcome Reports:** Using notes, prepare a report that includes the allegation, the investigation elements, the findings, and recommendations. Each student receives a report.
- **Documentation:**
 - Use the behavior tab in IC for students engaging in misconduct
 - Flag in IC any student who has a safety plan
 - Create safety plans in google/frontline
 - Submit Title IX reports via google form to Legal.

Remedies

Resources for both respondent (alleged perpetrator) and complainant (alleged victim) to address allegations, to stop the conduct, and prevent future conduct.

Based on the conduct and are specific to student needs.

Multiple members of a school team may be charged with implementing remedies.

Can include continuation of supportive measures.



FOLLOW UP

- Ensure there is no retaliation and that the harassment has stopped
- Ensure no contact orders are being followed and all elements of safety plan are being followed
- Review elements of safety plan periodically to modify/retire any unnecessary provisions and/or to refine the plan
- If another incident occurs remedies may need to be modified



Scenarios

Decide:

1. Is there sexual harassment that warrants investigation?
2. If so, what should an investigation include?
3. What else should the school do?

A paraprofessional found two elementary students locked in a staff bathroom. When asked separately about what happened, Student A reports that Student B has been sending sext messages outside of school. Student A did not want to discuss what had occurred in the bathroom.



Scenarios

Decide:

1. Is there sexual harassment that warrants investigation?
2. If so, what should an investigation include?

A student reports that throughout the school year, Student A repeatedly showed the student sexually explicit photographs on their cellphone to Student B during class. The photographs are offensive to Student B. Student B says the photos are upsetting, and they are unable to focus in class or concentrate. Recently, Student B has been missing class to avoid the student.



Scenarios

Decide:

1. Is there sexual harassment that warrants investigation?
2. If so, what should an investigation include?
3. What other steps should the school take?

Student A and Student B are enrolled in a film elective. Whenever the lights are out and the class is watching a film or whenever there is an opportunity, Student A tries to fondle Student B. Student B is uncomfortable but does not say anything. Student B repeatedly tries to remove Student A's hand, but Student B continues the behavior despite resistance and lack of consent. Student A reports the most recent incident was in the hallway outside the classroom.



Scenarios

Decide:

1. Is there sexual harassment that warrants investigation?
2. If so, what should an investigation include?
3. What other steps should the school take?

Student A reports Student B, a former partner, sexually assaulted Student A outside of school. At school Student B spreads false stories about their sex life with Student A. Student A is seen crying, and leaving class, and seems to be socially isolated.



Engaging with Law Enforcement

FERPA

FERPA protects student educational records, but permits:

- sharing between school district personnel with a “legitimate educational interest”
- reporting of personal knowledge or observation, or information heard orally from others even if education records exist which contain that information
- Disclosure to law enforcement in case of a health or safety emergency***high legal standard***contact Safety and Security/Legal.

Effective Documentation

Documentation

1. Document student behavior in the behavior tab on the student profile in IC.
NOTE: BVSD eliminated use of the Behavior of Concern Feature in IC to document established Behavior. Retain the BOC button on website for reporting.
2. Use a flag  in IC to indicate that students have additional information that includes: a threat assessment, SRRs, safety plans, criminal charges, restraining order.
3. Prepare safety plan, as needed, in Google (soon to be Frontline).

RESOURCE: [Guidelines for Handling Documentation](#)



Documentation of Threat Assessments/Safety Plans/SRR

Starting in September 2020 -
New Safety/Security Module in Frontline





- The Safety/Security Module will join the current modules and plans in Frontline (IEPs, 504s, ALPs, READ Plans, Intervention Documentation).
- This module and all of the documents will only be editable and viewable by certain user groups (Building Administrators, Mental Health Professionals, District Administration, Safety Team)



- **Frontline will be the Vortex File Cabinet including:**
 - Checklists
 - Threat Screenings
 - Full Threat Assessments
 - Safety Plans
 - Suicide Risk Reviews



- **Training will be coming soon!**
- **For now, teams will continue to use the Google Docs for documentation and creation of plans**
- **Teams will be able to upload early-year documentation into Frontline once it is up and running.**

Final Scenarios

A female student is brought to the office by a Campus Safety Officer for wandering the halls and refusing to go to her 7th hour Math class. When she arrives, she is crying and is adamant that she can't go to class and is considering hurting herself.

Points to Consider

- What are your initial thoughts?
- What implications do her statements have on your investigation?
- What type(s) of investigations do you need to conduct?
- What follow up questions would you ask?
- Who will you involve?

Scenario

Upon further questioning, she discloses that a classmate forcibly sexually assaulted her two weeks ago at a party. This party was attended by several students and now she is ashamed to go to class and believes the incident was filmed and is being shared with other students.

Points to Consider

- How does this new information change your thinking?
- What implications do her statements have on your investigation?
- What type(s) of investigations do you need to conduct?
- What follow up questions would you ask?
- Who will you involve?

Scenario

She also shows an anonymous text message she believes is from the student that assaulted her, threatening to kill her and her friends if she spreads “lies and rumors”.

Points to consider

- How does this new information change your thinking?
- What implications do her statements have on your investigation?
- What type(s) of investigations do you need to conduct?
- What follow up questions would you ask?
- Who will you involve?



NONDISCRIMINATION/EQUAL OPPORTUNITY

The Board of Education is committed to providing a safe learning and work environment where all members of the school community are treated with dignity and respect. The schools in the district are subject to all federal and state laws and constitutional provisions prohibiting discrimination and harassment on the basis of disability, race, creed, color, sex, sexual orientation, gender identity/expression, national origin, religion, ancestry or need for special education services. Accordingly, no otherwise qualified student, employee, applicant for employment or member of the public shall be excluded from participation in, be denied the benefits of, or be subjected to unlawful discrimination under any district program or activity on the basis of disability, race, creed, color, sex (which includes marital status), sexual orientation, gender identity/expression, national origin, religion, ancestry or need for special education services. Discrimination and harassment against employees and applicants for employment based on age and genetic information is also prohibited in accordance with state and/or federal law. In addition, the Board prohibits discrimination and harassment against all members of the school community on the basis of physical characteristics.

In keeping with these statements, the following shall be objectives of this district:

1. To promote the rights and responsibilities of all individuals as set forth in the state and federal constitutions, pertinent legislation and applicable judicial interpretations.
2. To encourage positive experiences in terms of human values for children and adults who have differing personal and family characteristics or who come from various socio-economic, racial and ethnic groups.
3. To consider carefully, in all decisions made that affect the schools, the potential benefits or adverse consequences that those decisions might have on the human relations aspects of all segments of society.
4. To utilize educational experiences to build each individual's pride in the community in which they live.
5. To investigate and resolve promptly any complaints of unlawful discrimination and harassment.
6. To investigate and appropriately discipline staff and students found to be responsible for incidents of harassment or unlawful discrimination in violation of board policy.

This policy and accompanying regulation shall be used to address all concerns regarding unlawful discrimination and harassment, except those regarding sexual harassment which are addressed in policies GBAA and JBB.

Annual nondiscrimination notice

The district shall issue a written notice each school year that advises students, parents, employees and the general public that the educational programs, activities and employment opportunities offered by the district are offered without regard to disability, race, creed, color, sex, sexual orientation, gender identity/expression, national origin, religion, ancestry, need for special education services, or physical characteristics. With respect to employment practices, the district shall also issue written notice that it does not discriminate on the basis of age or genetic information. The announcement shall also include the title, address, email address and telephone number of the person(s) designated to coordinate Title IX, Section 504 and ADA, and other nondiscrimination compliance activities.

The notice shall be disseminated to persons with limited English language skills in the person's own language. It shall also be made available to persons who are visually or hearing impaired.

The notice shall appear on a continuing basis in district and school electronic and hard-copy publications containing general information.

Harassment is prohibited

Harassment based on a person's disability, race, color, national origin, ancestry, creed, religion, sex (which includes marital status), sexual orientation, gender identity/expression, need for special education services, or physical characteristics is a prohibited form of discrimination. Preventing and remedying such harassment in schools is essential to ensure a nondiscriminatory, safe environment in which students can learn, employees can work and members of the public can access and receive the benefit of district facilities and programs. All such harassment, by district employees, students and third parties, is strictly prohibited.

All district employees and students share the responsibility to ensure that harassment does not occur at any district school, on any district property, at any district or school-sanctioned activity or event, or off school property when such conduct has a nexus to the school.

For purposes of this policy, harassment is any unwelcome, hostile and offensive verbal, written or physical conduct based on or directed at a person's disability, race, color, national origin, ancestry, creed, religion, sex, sexual orientation, gender identity/expression, disability, need for special education services or physical characteristics that: (1) results in physical, emotional or mental harm, or damage to property; (2) is sufficiently severe, persistent, or pervasive that it interferes with an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, hostile or threatening environment; or (3) substantially disrupts the orderly operation of the school. Board policy on sexual harassment (GBAA for employees and JBB for students) will apply to complaints alleging sexual harassment.

Harassing conduct may take many forms, including but not limited to:

1. verbal acts and name-calling;
2. graphic depictions and written statements, which may include use of cell phones or the Internet;
3. other conduct that may be physically threatening, harmful or humiliating.

Reporting unlawful discrimination and harassment

Any student who believes they have been a victim of unlawful discrimination or harassment as defined in Board policy, or who has witnessed such unlawful discrimination or harassment, is encouraged to immediately report it to an administrator, counselor, teacher or the district's compliance officer and file a complaint as set forth in the regulation which accompanies this policy.

Any employee, applicant for employment or member of the public who believes they have been a victim of unlawful discrimination or harassment, or who has witnessed such unlawful discrimination or harassment, shall file a complaint with either an immediate supervisor or the district's compliance officer.

District action

All district employees who witness unlawful discrimination or harassment shall take prompt and effective action to stop it, as prescribed by the district.

The district shall take appropriate action to promptly and impartially investigate allegations of unlawful discrimination and harassment, to end unlawful behavior, to prevent the recurrence of such behavior and to prevent retaliation against the individual(s) who files the complaint and/or any person who participates in the investigation. When appropriate, the district shall take interim measures during the investigation to protect against further unlawful discrimination, harassment or retaliation.

To the extent possible, all reports of unlawful discrimination or harassment will be kept confidential. Students or employees who knowingly file false complaints or give false statements in an investigation shall be subject to discipline, up to and including suspension/expulsion for students and termination of employment. No student, employee or member of the public shall be subject to adverse treatment in retaliation for any good faith report of harassment under this policy.

Upon determining that incidents of unlawful discrimination or harassment are occurring in particular district settings or activities, the district shall implement measures designed to remedy the problem in those areas or activities.

Any student or employee who engages in unlawful discrimination or harassment shall be disciplined according to applicable Board policies and the district shall take reasonable action to restore lost educational or employment opportunities to the victim(s) of unlawful discrimination or harassment.

In cases involving potential criminal conduct, appropriate law enforcement officials should be notified.

Notice and Training on Policy and Complaint Process

To reduce unlawful discrimination and harassment and ensure a respectful school environment, the Superintendent or designee is responsible for providing notice of this policy to all district schools and departments. The policy and complaint process in the accompanying regulation shall be referenced in student and employee handbooks and otherwise available to all students, staff and members of the public through electronic or hard-copy distribution.

Students and district employees shall receive periodic training related to recognizing and preventing unlawful discrimination and harassment. District employees shall receive additional training related to handling reports of unlawful discrimination and harassment.

LEGAL REFS.:

20 U.S.C. § 1681 (*Title VII, Education Amendments of 1972*)
20 U.S.C. § 1701-1758 (*Equal Employment Opportunity Act of 1972*)
29 U.S.C. § 621 *et seq.* (*Age Discrimination in Employment Act of 1967*) 29 U.S.C. § 701 *et seq.* (*Section 504 of the Rehabilitation Act of 1973*) 20 U.S.C. § 1681 (*Title IX of the Educational Amendments of 1972*)
42 U.S.C. § 12101 *et seq.* (*Title II of the Americans with Disabilities Act*)
42 U.S.C. § 2000d (*Title VI of the Civil Rights Act of 1964, as amended in 1972*)
42 U.S.C. § 2000e (*Title VII of the Civil Rights Act of 1964*)
42 U.S.C. §2000ff *et seq.* (*Genetic Information Nondiscrimination Act of 2008*)
34 C.F.R. Part 100 through Part 110 (*civil rights regulations*)
34 C.F.R. § 106.8 (*Designation of Responsible Employee and Adoption of Grievance Procedures*)
C.R.S. § 2-4-401 (13.5) (*definition of sexual orientation, which includes transgender*)
C.R.S. § 18-9-121 (*Bias-Motivated Crimes*)
C.R.S. § 22-32-109(1)(II) (*Board duty to adopt written policies prohibiting discrimination*)
C.R.S. § 24-34-301 *et seq.* (*Colorado Civil Rights Division*)
C.R.S. § 24-34-301(7) (*definition of sexual orientation*)
C.R.S. § 24-34-401 *et seq.* (*discriminatory or unfair employment practices*)
C.R.S. § 24-34-402.3 (*Discrimination Based on Pregnancy, Childbirth or Related Conditions*)
C.R.S. § 24-34-601 (*unlawful discrimination in places of public accommodation*)
C.R.S. § 24-34-602 (*penalty and civil liability for unlawful discrimination*)

CROSS REFS.:

GBA, Open Hiring/Equal Employment Opportunity
GBAA, Sexual Harassment
JB, Equal Educational Opportunities
JBB, Sexual Harassment
AC-R (*Nondiscrimination/Equal Opportunity*)

AC-E1 (Sample Notice)

AC-E2 (Complaint Form)

AC-E3 (Guidelines Regarding the Support of Students who are Transgender and Gender Nonconforming)

AC-E4 (Gender Transition Plan)

AC-E5 (Gender Support Plan)



Boulder Valley School
District File: AC-E1
Adopted: October 23, 2012
Revised: September 10, 2019

NONDISCRIMINATION/EQUAL OPPORTUNITY
(Sample Notice for District and School Publications)

In compliance with Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act of 2008, Colorado law and Board of Education Policy AC (Nondiscrimination/Equal Opportunity), Boulder Valley School District does not discriminate on the basis of disability, race, creed, color, sex, sexual orientation, gender identity/expression, national origin, religion, ancestry, need for special education services, age, marital status, genetic information, or physical characteristics in admissions, access to, treatment, or employment in educational programs or activities which it operates.

Complaint procedures have been established for students, parents, employees and members of the public. The following persons have been identified as the compliance officers for the district:

Compliance Officer for students, parents and members of the public:

Kathleen Sullivan

Legal Counsel

Boulder Valley School District 6500
Arapahoe Rd.
Boulder, CO 80301
720.561.5834
kathleen.sullivan@bvsd.org

Compliance Officers for employees:

Mike Gradoz
Assistant Superintendent for Human Resources
Boulder Valley School District
6500 Arapahoe Rd.
Boulder, CO 80301
720.561.5080
mike.gradoz@bvsd.org

or

Melissa Ribordy
Director of Human Resources
Boulder Valley School District
6500 Arapahoe Rd.
Boulder, CO 80301
720.561.5272
melissa.ribordy@bvsd.org

Outside agencies

In addition to, or as an alternative to, filing a complaint pursuant to this regulation, a person may file a discrimination complaint as follows:

ALLEGED Violations of Title VI (race, national origin), Title IX (sex/gender), Section 504/ADA (disability), may be filed directly with the Office for Civil Rights, U.S. Department of Education, 1244 North Speer Blvd., Suite 310, Denver, CO 80204. Toll Free: 800-262-4845 English/Spanish. Telephone: 303-844-5695. Fax: 303-844-4303. TTY: 303-844-3417. Email: OCR Denver @ed.gov

ALLEGED Violations of Title VII (employment) and the ADEA (prohibiting age discrimination in employment) may be filed directly with the U.S. Equal Employment Opportunity Commission, 303 E. 17th Ave., Suite 510, Denver, CO 80202, Toll Free: 800-669-4000. Fax: 303-866-1085. TTY: 800-669-6820. Email: egov.eeoc.gov.eas

CERTAIN VIOLATIONS MAY ALSO BE FILED WITH the Colorado Civil Rights Commission, (CCRD), 1560 Broadway, Suite 1050, Denver, CO 80202. Toll Free: 800-262-4845. Telephone: 303-894-2997. Fax: 303-894-7830. Email: dora_CCRD@state.co.us

End of File: AC-E1



Boulder Valley School District
File: AC-E2
Adopted: May 8, 2007
Revised: October 23, 2012

**NONDISCRIMINATION/EQUAL OPPORTUNITY
(COMPLAINT/GRIEVANCE FORM)**

Date: _____

Name of complainant: _____

School or Department: _____

Address: _____

Phone: _____ Email: _____

Summary of alleged discrimination or harassment:

Name(s) of individual(s) allegedly engaging in prohibited conduct:

Date(s) alleged prohibited conduct occurred: _____

Name(s) of witness(es) to alleged prohibited conduct: _____

If others are affected by the possible discrimination or harassment, please give their names:



Boulder Valley School District

File: AC-E3

Adopted: February 22, 2012, August 14, 2013, May 10, 2016

GUIDELINES REGARDING THE SUPPORT OF STUDENTS AND STAFF WHO ARE TRANSGENDER AND/OR GENDER NONCONFORMING

PURPOSE

State and federal law and District policy require that all programs, activities, and employment practices are free from discrimination based on sex, sexual orientation, gender identity and gender expression. These Guidelines are issued in keeping with these mandates to create a safe learning environment for all students and working environment for all staff, and to ensure that every student has equal access to all school programs and activities. These Guidelines set out a protocol for schools and district staff to address the needs of any BVSD student or employee who is transgender and/or gender nonconforming and clarify how law and policy should be implemented in situations where questions may arise about how to protect the legal rights or safety of such individuals

These Guidelines do not anticipate every situation that might occur with respect to students and staff that is transgender or gender nonconforming, and the needs of each student and staff member must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy development of the students who are transgender or gender nonconforming while maximizing the students' social integration and minimizing stigmatization of the students. Similarly, for employees who are transgender or gender nonconforming, the goal is to ensure a safe and supportive working environment.

DEFINITIONS

The definitions provided here are not intended to label individuals—but rather to assist in understanding these Guidelines and the legal obligations of District staff. Individuals might or might not use these terms to describe themselves.

- **“Gender identity”** is a person’s internal deeply held sense or psychological knowledge of their own gender, regardless of the biological sex they were assigned at birth. Everyone has a gender identity and the responsibility for determining an individual’s gender identity rests with the individual.

- “Transgender” describes a person—whose gender identity is different from their biological sex assigned at birth.
- “Gender expression” refers to the way a person expresses gender, such as clothing, hairstyles, activities, or mannerisms. Individuals who adopt a presentation that varies from conventional gender expectations sometimes may describe themselves as gender nonconforming, gender expansive, gender queer, agender, gender-free, gender creative, or gender fluid.
- “Gender nonconforming” describes a person whose gender identity or expression differs from conventional or prevailing social expectations, such as “feminine” boys, “masculine” girls, and those who are perceived as androgynous. Gender nonconforming is not synonymous with transgender; not all gender nonconforming people identify as transgender.

GUIDELINES FOR STUDENTS

Any student may inform a school staff member of their strong desire to be consistently recognized at school using their stated gender identity, and this request should be acted upon respectfully. The school shall accept the gender identity that each student asserts; and there is no medical or mental health diagnosis or treatment threshold that students must meet in order to have their gender identity recognized and respected. Students ready to socially transition may initiate a process at the school to change their name, pronoun, and access to programs, activities, and facilities consistent with their gender identity.

Privacy

- All students have a right to privacy; this includes the right to keep private one’s transgender or gender nonconforming status. Information about a student’s transgender status, legal name, or biological sex assigned at birth also may constitute confidential information.
- School personnel should not disclose information that may reveal a student’s transgender or gender nonconforming status to others, including school personnel and other community members, unless legally permitted to do so or unless the student has authorized such disclosure. In situations where the student has a desire to compete for their school in CHSAA-sanctioned activities, the school administration will work with the family to identify what information would need to be shared prior to submitting such information.
- School personnel should involve parents or guardians in the implementation of these guidelines and the process of social transition at school to support the student’s well-being at school, but should first discuss the parental involvement with the student to avoid inadvertently putting the student at risk of harm by contacting the student’s parents.

- Students who are transgender and gender nonconforming have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share private information.

Official Records

- The District is required to maintain a permanent student record (“official record”) that includes a student’s name and gender. The District will amend a student’s official record to reflect a change in first name and/or to reflect a change in gender upon receipt of appropriate documentation such as a district change of name request form (See AC-E6), or a court order from the parent or guardian substantiating the change.
- In situations where school staff or administrators are required by law to use or to report the legal name or biological sex of a student who is transgender but whose official record has not been amended, such as for purposes of standardized testing, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information.

Names/Pronouns

- A student has the right to be addressed by a name and pronoun that corresponds to the student’s gender identity. A court-ordered name or gender change is not required, and official records need not be changed.
- The intentional or persistent refusal to respect a student’s gender identity (for example, intentionally referring to the student by a name or pronoun that does not correspond to the student’s gender identity) is a violation of these Guidelines.

Gender-Segregated Activities

- To the extent possible, schools should reduce or eliminate the practice of segregating students by gender. In situations where students are segregated by gender, students should be included in the group that corresponds to their gender identity.

Restroom Accessibility

- Students shall have access to the restroom that corresponds to their gender identity consistently asserted at school. Any student who is transgender and who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to a single stall restroom, but no student shall be required to use such a restroom.
- Taking into account existing school facilities, administrators will take steps to designate single stall and/or all gender restrooms on their campus. Where facilities constraints make this impractical, administrators will identify an all gender restroom facility available for any student seeking increased privacy. If the location of this facility

requires students to travel in ways that could delay their timely arrival to school commitments, an accommodation plan should be developed.

Locker Room Accessibility

- The use of locker rooms by students who are transgender and gender nonconforming shall be assessed on a case-by-case basis with the goals of maximizing the student's social integration and equal opportunity to participate in physical education classes and sports, ensuring the student's safety and comfort, and minimizing stigmatization of the student.
- Students who are transgender should have access to the locker room that corresponds to their gender identity consistently asserted at school.
- Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with a reasonable alternative changing area such as the use of a private area (e.g., a nearby restroom stall with a door, an area separated by a curtain, a P.E. instructor's office in the locker room, or a nearby health office restroom), or with a separate changing schedule (e.g., using the locker room that corresponds to their gender identity before or after other students).
- Any alternative arrangement should be provided in a way that allows the student's transgender status to be kept confidential. In no case shall a student who is transgender be required to use a locker room that conflicts with the student's gender identity consistently asserted at school.

School Activities and Programs

- Students have the right to equitable access to activities and programs in their school. Students may not be excluded from participation in, be denied the benefits of, or be subjected to harassment or other forms of discrimination on the basis of gender identity in any program or activity. These activities and programs may include but are not limited to dances, pep assemblies, acknowledgements, after school programs and extracurricular activities.

Physical Education Classes and Intramural Sports

- Participation in intramural sports and competitions shall be facilitated in a manner consistent with the student's gender identity asserted at school.

Interscholastic Competitive Sports Teams

- Schools will advocate with the CHSAA for students who are transgender and gender nonconforming to be permitted to participate in interscholastic athletics in a manner consistent with their gender identity as reflected in official school records (see above section "Official Records" regarding amendment of records). The CHSAA guidelines of the Colorado High School Athletics Association can be reviewed at www.chsaa.org.

Overnight Activity and Athletic Trips

- In the planning of sleeping arrangements during overnight activity and athletic trips, the needs of students who are transgender shall be assessed on a case-by-case basis with the goals of maximizing the student's social integration and equal opportunity to participate in overnight activity and athletic trips, ensuring the student's safety and comfort, and minimizing stigmatization of the student. In most cases, students who are transgender should be assigned to share overnight accommodations with other students that share the student's gender identity consistently asserted at school.
- Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with a reasonable accommodation, which may include a private room.
- Any alternative arrangement should be provided in a way that allows the student's transgender status to be kept confidential. In no case shall a student who is transgender be required to share a room with students whose gender identity conflicts with their own.

Dress Codes

- Students who are transgender and gender nonconforming have the right to dress in a manner consistent with their gender identity or gender expression. In general, schools may not adopt dress codes that restrict students' clothing or appearance on the basis of gender.

Discrimination/Harassment

It is the responsibility of each school and the District to ensure that students who are transgender and gender nonconforming have a safe school environment. This includes ensuring that any incident of discrimination, harassment, or violence is given immediate attention, including investigating the incident, taking appropriate corrective action, and providing students and staff with appropriate resources. Complaints alleging discrimination or harassment based on a person's actual or perceived transgender status or gender nonconformity are to be handled in the same manner as other discrimination or harassment complaints. (See BVSD Policies AC (Nondiscrimination) and JBB (Sexual Harassment))

Transferring a Student to another School (Administrative Transfers)

Administrative transfers should not be a school's first response to harassment of a student and should be considered only when necessary for the protection or personal welfare of the transferred student or when requested by the student or the student's parent or guardian. The student or the student's parent or guardian must consent to any such transfer. The goal is to maintain continuity of the student's education in a safe learning environment.

GUIDELINES FOR STAFF

Definitions are found in the definitions section above.

Names/Pronouns

- A staff member has a right to be addressed by a name and pronoun that corresponds to the staff member's gender identity. A court-ordered name change or gender change is not required, and official records need not be changed for this purpose. However, BVSD communications with governmental entities and PERA will be based on official records.
- The intentional or persistent refusal to respect a staff member's gender identity (for example, intentionally referring to a staff member by name or pronoun that does not correspond to the staff member's gender identity) is a violation of these guidelines.

RESTROOM ACCESSIBILITY

- Staff shall have access to the restroom that corresponds to their gender identity consistently asserted in the workplace. Any staff member who has a need or desire for increased privacy, regardless of underlying reason, should be provided access to a single stall restroom, but no staff member is required to use such a restroom.
- Taking into account existing school/district facilities, administrators will take steps to designate single stall and/or all gender restrooms on their campus. Where facilities constraints make this impracticable, administrators will identify as an all gender restroom available for staff seeking increase privacy.

Discrimination/Harassment

It is the responsibility of each school and the District to ensure that staffs who are transgender and gender nonconforming have a safe work environment. This includes ensuring that any incident of discrimination, harassment, or violence is given immediate attention, including investigating the incident, taking appropriate corrective action, and providing staff with appropriate resources. Complaints alleging discrimination or harassment based on a person's actual or perceived transgender status or gender nonconformity are to be handled in the same manner as other discrimination or harassment complaints. (See BVSD Policies AC (Nondiscrimination), GBAA (Sexual Harassment))

RELATED RESOURCES

BVSD Policies and Regulations: AC, AC-R, AC-E1 and AC-E2 (Nondiscrimination); JFC (Student Conduct); JB (Equal Educational Opportunities - Students), JBB (Sexual Harassment - Students), JICA and JICA-R (Student Dress); JECE-R (Administrative Transfers - Students); GBA (Open Hiring/Equal Employment Opportunity - Employees); GBAA (Sexual Harassment - Employees). Complaints about violations of these Guidelines should initially be handled through the Principal of the school. For additional assistance contact the Superintendent's Office at 720.561.5114.

CROSS REFS. AC-E4 - Gender Transition Plan
AC-E5 - Gender Support Plan
AC-E6 - Gender Name Change Form

End of File: AC-E3



CONFIDENTIAL
Gender Transition Plan

The document supports the necessary planning for a student’s formal transition of gender from its commonly assumed status to something else. Its purpose is to create the most favorable conditions for a successful experience, and to identify the specific actions that will be taken by the student, school, family, or other support providers.

School: _____ Today’s Date: _____

Student’s Preferred Name: _____

Legal Name: _____

Student’s Gender: _____ Assigned Sex at Birth: _____

Student Grade Level: _____ Date of Birth: _____

Sibling(s)/Grade(s): _____ (____)/_____
____ (____)/____ (____)/_____
____ (____) _____ (____)

Parent(s)/Guardian(s)/Relation to Student:
____ (____)/____ (____)
____ (____)/____ (____)

What is the nature of the student’s transition (male-to-female, female-to-male, a shift in gender expression, etc.)

PARENT GUARDIAN INVOLVEMENT

Are guardian(s) of this student supportive of their child’s gender status? ___ Yes ___ No

If not, what considerations must be accounted for in implementing this plan?

INITIAL PLANNING MEETING

When will the initial planning meeting take place?

Where will it occur?

Who will be the member of the team supporting the student's transition?

– Student

– Parent(s)

– School Staff

– Other

STUDENT TRANSITION DETAILS

What specific information that will be conveyed to other students (be specific)?

What requests will be made?

With whom and when will this information be shared?

- With peers in the transitioning student's class only
Date: _____
- With peers in the student's grade level
Date: _____
- With some/all students at school (specify) _____
Date: _____
- Other (specify) _____
Date: _____

Who will lead the lessons/activities framing the student's announcement?

What will the lesson/activities be?

Will the student be present for the lesson/sharing of info about the transition? ____Y ____N
If yes, what if any role does the student want to play in the process?

Once the information is shared, what parameters/expectations will be set regarding approaching the student?

Other notes, considerations, or questions:

Page

KEY DECISIONS PRIOR TO STUDENT'S TRANSITION

Communications with Other Families

Will any sort of information be shared with other families about the student's transition?

With whom: _____ Families in child's grade _____ Whole School _____ Other (specify)

Who will be responsible for creating this?

When will it be sent?

How will it be distributed?

What specific information will be shared*?

Questions/Notes:

* see sample letters

Training for School Staff

Will there be specific training about this student's transition with school staff?

_____ Y _____ N

When? _____

Who will be conducting the training? What will be the content of the training?

Questions/Notes:

Parent Information Night about Gender Diversity

Will there be specific training for school community member? ____Y ____N

When? _____

Who will conduct it? Will it reference the student's transition? What will be the content of the training?

Questions/Notes:

Class Meeting with Parents

Will there be any meeting with the families of the transitioning student's peers? When?

Who will lead the meeting? Who will be attending the meeting?

Page

What will be the purpose for this meeting?

Identifying and Enlisting Parent Allies

Are there any parents/adults in the community you would like to enlist in support of the child's transition? If so, who?

When will you speak with them? What will be your request?

Questions/Notes:

Identifying and Enlisting Peer Allies

Are there other students you would like to enlist in support of the child's transition?

If so, who?

When will they be spoken with? What requests will be made?

Questions/Notes:

Siblings

Does the student have any siblings at the school? What needs to be considered for them?

Training in their classroom (s)?

Emotional Support?

Questions/Notes: _____

TIMELINE

Which of the following will take place in relation to this student's gender transition, and when will it occur and who will be responsible for making it happen?

✓	Activity	Date	Lead
	Initial planning meeting		
	Lessons / activities with other students		
	Communications with other families		
	Training for school staff		
	Parent information night about gender diversity		
	Class meeting with parents		
	Identifying and enlisting parent allies		
	Identifying and enlisting peer allies		

What are the specific follow-ups or action items emerging from this meeting and who is responsible for them?

<u>Action Item</u>	<u>Who?</u>	<u>When?</u>

Date / Time of next meeting or check in

Location

Exhibit:

End of File:



Boulder Valley School District
File: AC-E5
May 10, 2016

CONFIDENTIAL
Gender Support Plan

The purpose of this document is to create shared understandings about the ways in which the student's authentic gender will be accounted for and supported at school. School staff, caregivers and the student should work together to complete this document. Ideally, each will spend time completing the various sections to the best of their ability and then come together to review sections and confirm shared agreements about using the plan. Please note that there is a separate document to plan for a student's formal gender transition at school.

School: _____ Today's Date: _____

Student's Preferred Name: _____

Legal Name: _____

Student's Gender: _____ Assigned Sex at Birth: _____

Student Grade Level: _____ Date of Birth: _____

Sibling(s)/Grade(s): _____ (____)/_____

_____ (____)/_____ (____)/_____

_____ (____)

Parent(s)/Guardian(s)/Relation to Student:

_____ (____)/_____

_(____) _____ (____)

_____ (____)

Meeting Participants:

PARENT GUARDIAN INVOLVEMENT

Are guardian(s) of this student supportive of their child's gender status? ___Yes ___No

If not, what considerations must be accounted for in implementing this plan?

Page

CONFIDENTIALITY, PRIVACY AND DISCLOSURE

How public or private will information about this student's gender be (check all that apply)?

- District staff will be aware (Superintendent, Student Support Services, District Psychologist, etc.)
Specify the adult staff members:
- Site level leadership/administration will know (Principal, head of school, counselor, etc.)
Specify the adult staff members:
- Teachers and/or other school staff will know
Specify the adult staff members:
- Student will not be openly "out," but some students are aware of the student's gender
Specify the students:
- Student is open with others (adults and peers) about gender
- Other - describe:

If the student has asserted a degree of privacy, what are expectations of the institution if that privacy is compromised? How will a teacher/staff member respond to questions about the student's gender from:

Other students?

Staff members?

STUDENT SAFETY

Who will be the student's "go to adult" on campus?

If this person is not available, what should student do?

What, if any, will be the process for periodically checking in with the student and/or family?

What are expectations in the event the student is feeling unsafe and how will student signal need for help:

During class

On the yard

In the halls

Other

Other Safety concerns/Questions

NAMES, PRONOUNS AND STUDENT RECORDS

Name/gender marker entered into the Student Information System:

Name to be used when referring to the student:

Pronouns: _____

Can the student's preferred name and gender marker be reflected in the SIS? If so, how?

If not, what adjustments can be made to protect this student's privacy?

Who will be the point person for ensuring these adjustments are made and communicated as needed?

How will instances be handled in which the incorrect name or pronoun are used?

How will the student's privacy be accounted for and maintained in the following situations or contexts:

During registration

Completing enrollment

With substitute teachers

Standardized tests

School photos

IEPs/Other Services

Student cumulative file

After-school programs

Lunch lines

Taking attendance

Teacher grade book(s)

Official school-home communication

Unofficial school-home communication (PTS/other)

Outside district personnel or providers

Summons to office

Yearbook

Student ID/library cards

Posted lists

Distribution of texts or other school supplies

Assignment of IT accounts

What are some other ways the school needs to anticipate information about this student's preferred name and gender marker potentially being compromised? How will these be handled?

Page

USE OF FACILITIES

Student will use the following restroom(s) on campus:

Student will change clothes in the following place(s):

If student has questions/concerns about facilities, who will be the contact person?

What are the expectations regarding the use of facilities for any class trips?

What are the expectations regarding rooming for any overnight-trips?

Are there any questions or concerns about the-student's access to facilities?

EXTRACURRICULAR ACTIVITIES

Does the student participate in an after-school program? _____Y _____N

What steps will be necessary for supporting the student there?

In what extra-curricular programs or activities will the student be participating (sports, theater, clubs, etc.)?

What steps will be necessary for supporting-the student there?

Questions/Notes: _____

OTHER CONSIDERATIONS

Are there any specific social dynamics with other students, families or staff members that need to be discussed or accounted for?

Does the student have any sibling(s) at school? ____Y ____N

Factors to be considered regarding sibling's needs?

Does the school have a dress code? ____Y ____N

How will this be handled?

Are there lessons, units, content or other activities coming up this year to consider (growth and development, social justice units, name projects, dance instruction, Pride events, school dances etc.)?

What training(s) will the school engage in to build capacity for working with gender-expansive students?

Are there any other questions, concerns or issues to discuss?

SUPPORT PLAN REVIEW AND REVISION

How will this plan be monitored over time?

What will be the process should the student, family, or school wish to revisit any aspects of the plan (or seek additions to the plan)?

What are specific follow-ups or action items emerging from this meeting and who is responsible for them?

Action Item	Who?	When?

Date / Time of next meeting or check-in:

Location: _____

Exhibit:
End of File:



Boulder Valley School
District File: AC-R
Adopted: May 11, 1995
Revised: October 10, 2019

NONDISCRIMINATION/EQUAL OPPORTUNITY

(Complaint/Grievance and Compliance Process)

The district is committed to providing a working and learning environment that is free from unlawful discrimination and harassment. The district shall promptly respond to concerns and complaints/grievances/grievances of unlawful discrimination and/or harassment; take action in response when unlawful discrimination and/or harassment is discovered; impose appropriate sanctions on offenders in a case-by-case manner; and protect the privacy of all those involved in unlawful discrimination and/or harassment complaints/grievances as required by state and federal law. When appropriate, the complaint shall be referred to law enforcement for investigation.

The district has adopted the following procedures to promptly and fairly address concerns and complaints/grievances about unlawful discrimination and/or harassment. Complaints/grievances may be submitted orally or in writing.

Definitions

1. "Compliance officer" means an employee designated to receive complaints/grievances of alleged unlawful discrimination and harassment. The compliance officer shall be identified by title, address, telephone number and email address. See exhibit AC-E-1. If the designated individual is not qualified or is unable to act as such (including that the Compliance Officer is the individual alleged to have engaged in the prohibited conduct), the Superintendent shall designate an alternate compliance officer. If the Superintendent is the individual alleged to have engaged in the prohibited conduct, then the Board shall designate an alternate compliance officer.
2. "Aggrieved individual" shall mean a student, the parents or guardians of a student under the age of 18 acting on behalf of a student, an employee of the district, or member of the public who is directly affected by and/or is witness to an alleged violation of Board policies prohibiting unlawful discrimination or harassment.
3. "Discrimination" occurs when a student or community member is denied or limited in the ability to participate in or benefit from the District's services, activities, or opportunities on the basis of any class protected by federal and/or Colorado law.

4. "Harassment" is any unwelcome verbal, written, graphic, physical, or other conduct on the basis of any class protected by federal and/or Colorado law that is sufficiently severe, pervasive, or persistent to either:
 - (A) interfere with a student's or community member's ability to participate in the District's services, activities, or opportunities; or
 - (B) alter an employee's conditions of employment and create an abusive working environment.

Whether conduct is sufficiently severe, pervasive, or persistent to amount to harassment depends on a number of factors, including:

- (A) the type, frequency, and duration of the conduct;
- (B) the relationship between the individuals involved;
- (C) the age, education level, and number of individuals involved;
- (D) the context in which the conduct occurred; and,
- (E) the effect on the Complainant's education or employment.

In some cases, a single severe act—such as an act of physical violence—can amount to harassment if the act is based on any class protected by federal and/or Colorado law. When considering whether a single act of physical violence amounts to harassment, the important question is the severity of conduct, not whether the conduct fits within the definition of any specific crime or basis for discipline. The more severe the conduct, the less the need to show a repetitive series of incidents.

5. "Retaliation" occurs when the District intimidates, coerces, or discriminates against an individual because the individual raised a good-faith concern about or participated in good faith in an investigation of discrimination or harassment. The District will investigate and respond to an allegation of retaliation in the same manner as an allegation of discrimination or harassment. Employees shall cooperate with District investigations in good faith.

Compliance officer's duties

The compliance officer shall be responsible for coordinating all complaint procedures and processes for any alleged violation of federal or state statute or Board policy prohibiting unlawful discrimination or harassment. The compliance officer's duties shall include providing notice to students, parents/guardians of students, employees and the general public concerning the compliance process, providing training for district staff regarding the prohibition of discrimination/harassment in all district programs, activities and employment practices, disseminating information concerning the forms and procedures for the filing of complaints/grievances, ensuring the prompt investigation of all complaints/grievances, coordinating hearing procedures, and identifying and addressing any patterns or systemic problems that arise during the review of complaints/grievances.

The compliance officer may delegate any or all of the foregoing responsibilities as necessary and/or appropriate under the circumstances.

Complaint/grievance procedure

An aggrieved individual is encouraged to promptly report the incident as provided in Board policy and this regulation. When appropriate to do so, reports received by teachers, counselors, principals, or other district employees may initially be investigated and resolution pursued at a building level.

Sexual harassment procedure

Complaints/grievances regarding sexual harassment and other forms of discrimination and harassment shall be addressed as efficiently as possible. Students who believe that they have been subjected to sexual harassment are encouraged to report the incident to the principal, another building administrator, another trusted adult staff member, or the appropriate district level administrator. Any report of sexual harassment from a student received by any staff member will be forwarded to the building principal for investigation, unless the alleged harasser is the building principal in which case an alternate administrator will be designated. Employees who believe that they have been subjected to sexual harassment are encouraged to report consistent with Board Policy GBEE.

After receiving a report, the principal/designee will confer with the individual who has allegedly been discriminated against or harassed as soon as is reasonably possible (ordinarily not more than two (2) school days) to obtain a clear understanding of the basis of the complaint/grievance and what action the individual is seeking. At this meeting, the principal/designee will also explain:

1. The avenues for resolution
2. The district's legal obligation to take steps to correct discrimination and harassment and to prevent recurring discrimination and harassment or retaliation against anyone who makes a discrimination and harassment report or participates in an investigation.
3. Any request for confidentiality will be honored so long as doing so does not preclude the school from responding effectively to the discrimination and harassment and preventing future discrimination and harassment.

Following the initial meeting, the principal/designee will attempt to meet with the alleged perpetrator to obtain a response to the reported discrimination or harassment and will investigate the matter, including interviews with identified witnesses. The principal/designee will complete the investigation within fourteen (14) days of the initial meeting, unless otherwise agreed.

Within seven (7) days of completing the investigation, the principal/designee will issue

an outcome report. The report should address any recommendations necessary to eliminate discrimination or harassment and its effects, to make the victim whole by restoring lost educational or employment opportunities, to prevent harassment from recurring and to prevent retaliation against anyone who reports sexual harassment or participates in a harassment investigation.

Any party not satisfied with a decision made by the principal/designee may present their concerns in accordance with this regulation's general procedures, beginning with a review by the compliance officer.

General Procedure

Any aggrieved individual may DIRECTLY file with the compliance officer a complaint/grievance charging the district, any student or any school employee with unlawful discrimination or harassment under Title II, Title VI, Title IX, or Section 504/ADA or any district policy prohibiting unlawful discrimination or harassment. Complaints/grievances may be made orally or in writing. Persons who wish to file a written complaint/grievance shall be encouraged to use the form AC-E-2.

All complaints/grievances shall include a detailed description of the alleged events, the dates the alleged events occurred and names of the parties involved, including any witnesses. The complaint/grievance shall be made as soon as possible after the incident.

The compliance officer shall confer with the aggrieved individual and/or the alleged victim of the unlawful discrimination or harassment as soon as is reasonably possible, but no later than 10 school days following the district's receipt of the complaint/grievance (unless otherwise agreed) in order to obtain a clear understanding of the nature of the complaint/grievance and to discuss what action the aggrieved individual may be seeking.

During this initial conference, the compliance officer shall explain the avenues for informal and formal action, provide a description of the complaint/grievance process, and explain that both the victim and the individual alleged to have engaged in prohibited conduct have the right to exit the informal process and request a formal resolution of the matter at any time. The compliance officer shall also explain that whether or not the individual files a written complaint/grievance or otherwise requests action, the district is required by law to take steps to correct unlawful discrimination or harassment and to prevent recurring unlawful discrimination, harassment or retaliation against anyone who makes a report or participates in an investigation. The compliance officer shall further explain that any request for confidentiality shall be honored so long as doing so does not preclude the district from responding effectively to prohibited conduct and preventing future prohibited conduct.

Informal action

If the aggrieved individual and the individual alleged to have engaged in the prohibited conduct consent to informal action and the compliance officer believes that the matter is

suitable to such resolution, the compliance officer may attempt to resolve the matter informally through mediation, counseling or other non-disciplinary means. If both parties feel a resolution has been achieved through the informal process, then no further compliance action must be taken. No party shall be compelled to resolve a complaint/grievance of unlawful discrimination or harassment informally and either party may request an end to the informal process at any time. Informal resolution shall not be used to process complaints/grievances by a student against a school employee and shall not be used between students where the underlying offense involves sexual assault or other act of violence.

Formal action

If informal resolution is inappropriate, building level investigation does not resolve the complaint/grievance, or other appropriate efforts are unsuccessful, the compliance officer shall promptly investigate the allegations to determine whether and/or to what extent, unlawful discrimination or harassment has occurred.

The compliance officer may consider the following types of information in determining whether unlawful discrimination and/or harassment has occurred:

- a. Statements by any witness to the alleged incident;
- b. Evidence about the relative credibility of the parties involved;
- c. Evidence relative to whether the individual alleged to have engaged in the prohibited conduct has been found to have engaged in prohibited conduct against others;
- d. Evidence of the aggrieved individual's and/or alleged victim's reaction or change in behavior following the alleged prohibited conduct;
- e. Evidence about whether the aggrieved individual and/or alleged victim took action to protest the conduct;
- f. Evidence and witness statements or testimony presented by the parties involved;
- g. Other contemporaneous evidence; and/or
- h. Any other evidence deemed relevant by the compliance officer.

In deciding whether conduct is a violation of law or policy, all relevant circumstances shall be considered by the compliance officer, including:

- a. The degree to which the conduct affected one or more student's education or one or more employee's work environment;
- b. The type, frequency and duration of the conduct;
- c. The identity of and relationship between the individual alleged to have engaged in the prohibited conduct and the aggrieved individual and/or alleged victim;
- d. The number of individuals alleged to have engaged in the prohibited conduct and the number of aggrieved individuals/alleged victims;

- e. The ages of the individual alleged to have engaged in the prohibited conduct and the aggrieved individual and/or alleged victim;
- f. The size of the school or worksite, location of the incident, and context in which it occurred; and/or
- g. Other incidents at the school or worksite.

The compliance officer shall prepare a written report containing findings and recommendations, as appropriate, within 45 school days following the compliance officer's receipt of the complaint/grievance or 30 school days following the termination of the informal resolution process. The compliance officer's report shall be advisory and shall not bind the Superintendent or the district to any particular course of action or remedial measure. However, the report may be used by the superintendent or other district administration officials as a basis for disciplinary or other appropriate action. Within 10 school days after submission of the findings and recommendation, the Superintendent or designee shall determine any sanctions or other action deemed appropriate.

Within 10 school days following the Superintendent or designee's determination, and to the extent permitted by federal and state law, all parties, including the parents/guardians of all students involved, shall be notified in writing by the Superintendent or designee of the final outcome of the investigation and action taken by the district.

Hearing procedure

For allegations under Section 504 and as otherwise required by law, the aggrieved individual may request a hearing. This hearing procedure will not address guilt or innocence or disciplinary consequences, which shall instead be governed by the Board's discipline policies and procedures.

The hearing officer will be an administrative employee of the district or other appropriate person designated by the district. The hearing shall be informal. A student shall be entitled to be represented by his/her parent or by an attorney. An employee shall be entitled to be represented by an attorney or other representative of his/her choice. The complainant may appear at the hearing and shall be entitled to present testimony and other evidence. Formal rules of evidence shall not apply. The compliance officer or designee may represent the district at the hearing and shall likewise be entitled to present testimony and other evidence. The hearing shall be closed to the public.

The hearing officer shall make a written recommendation to the Superintendent based upon evidence presented at the administrative hearing. Within 10 school days of receiving the hearing officer's recommendations, the Superintendent or designee shall determine any remedial or corrective action deemed appropriate.

Remedial or corrective actions shall include measures designed to stop the unlawful discrimination or harassment, correct its negative impact on the affected individual, ensure that the conduct does not recur, and restore lost educational opportunities.

Any party not satisfied with a decision made by the Superintendent may present his/her concerns to the Board. Any action taken by the Board shall be final.

Nothing contained herein shall be interpreted to confer upon any person the right to a hearing independent of a Board policy, administrative procedure, statute, rule, regulation or agreement expressly conferring such right. This process shall apply, unless the context otherwise requires and unless the requirements of another policy, procedure, statute, rule, regulation or agreement expressly contradicts with this process, in which event the terms of the contrary policy, procedure, law, rule, regulation or agreement shall govern.

Outside agencies

In addition to, or as an alternative to, filing a complaint/grievance pursuant to this regulation, a person may file a discrimination complaint/grievance as follows:

Alleged violations of Title VI (race, national origin), Title IX (sex/gender), Section 504/ADA (disability), may be filed directly with the Office for Civil Rights, U.S. Department of Education, 1244 North Speer Blvd., Suite 310, Denver, CO 80204. Toll Free: 800-262-4845 English/Spanish. Telephone: 303-844-5695. Fax: 303-844-4303. TTY: 303-844-3417. Email: OCR Denver @ed.gov

Alleged violations of Title VII (employment) and the ADEA (prohibiting age discrimination in employment) may be filed directly with the U.S. Equal Employment Opportunity Commission, 303 E. 17th Ave., Suite 510, Denver, CO 80202, Toll Free: 800-669-4000. Fax: 303-866-1085. TTY: 800-669-6820. Email: egov.eeoc.gov.eas

Certain violations may also be filed with the Colorado Civil Rights Commission, (CCRD), 1560 Broadway, Suite 1050, Denver, CO 80202. Toll Free: 800-262-4845. Telephone: 303-894-2997. Fax: 303-894-7830. Email: dora_CCRD@state.co.us

End of File: AC-R



Boulder Valley School District

File: JB

Adopted: date of manual adoption

Revised: October 23, 2012, January 22, 2019

EQUAL EDUCATIONAL OPPORTUNITIES

Every student of this school district shall have equal educational opportunities through programs offered in the school district regardless of disability, race, creed, color, sex, sexual orientation, gender identity/expression, national origin, religion, ancestry, need for special education services or physical characteristics.

This concept of equal educational opportunity shall guide the Board and staff in making decisions related to school district facilities, selection of educational materials, equipment, curriculum and regulations affecting students. Students with identified physical and mental impairments that constitute disabilities shall be provided with a free appropriate public education, consistent with the requirements of federal and state laws and regulations.

In order to ensure that district programs are in compliance with applicable laws and regulations, the Board directs the superintendent or designee(s) to periodically monitor the following areas:

1. Curriculum and materials – review curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Training – provide training for students and staff to identify and alleviate problems of discrimination.
3. Student access – review programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
4. District support – ensure that district resources are equitably distributed among school programs including but not limited to staffing and compensation, facilities, equipment and related matters.
5. Student evaluation instruments – review of tests, procedures and guidance and counseling materials for stereotyping and discrimination.
6. Discipline – review discipline records and any relevant data to ensure the equitable implementation and application of Board discipline policies.

LEGAL REFS:

20 U.S.C. §1681 (*Title IX of the Education Amendments of 1972*)

20 U.S.C. §1701-1758 (*Equal Educational Opportunities Act of 1974*)

29 U.S.C. §701 *et seq.* (*Section 504 of the Rehabilitation Act of 1973*)

C.R.S. § 2-4-401 (13.5) (*definition of sexual orientation, which includes transgender*)

C.R.S. § 22-32-109 (1)(II) (*Board duty to adopt written policies prohibiting discrimination*)

C.R.S. § 24-34-601 (*unlawful discrimination in places of public accommodation*)

C.R.S. § 24-34-602 (*penalty and civil liability for unlawful discrimination*)

CROSS REFS.:

AC, Nondiscrimination/Equal Opportunity

JBB, Sexual Harassment



SEXUAL HARASSMENT

The Board recognizes that sexual harassment can interfere with a student's academic performance and emotional and physical well-being and that preventing and remedying sexual harassment in schools is essential to ensure a nondiscriminatory, safe environment in which students can learn. In addition, sexual harassment is recognized as a form of sex discrimination and thus is a violation of the laws that prohibit sex discrimination.

District's commitment

The district is committed to maintaining a learning environment that is free from sexual harassment. It shall be a violation of policy for any staff member to harass students or for students to harass other students through conduct or communications of a sexual nature or to retaliate against anyone that reports sexual harassment or participates in a harassment investigation.

The district shall investigate all indications, informal reports and formal grievances of sexual harassment by students, staff or third-parties and appropriate corrective action shall be taken. Corrective action includes taking all reasonable steps to end the harassment, to make the harassed student whole by restoring lost educational opportunities, to prevent harassment from recurring and to prevent retaliation against anyone who reports sexual harassment or participates in a harassment investigation.

Sexual harassment prohibited

Unwelcome sexual advances, requests for sexual favors, or other verbal, non-verbal or physical conduct of a sexual nature may constitute sexual harassment, even if the harasser and the student being harassed are the same sex and whether or not the student resists or submits to the harasser, when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's participation in an education program or activity.
2. Submission to or rejection of such conduct by a student is used as the basis for education decisions affecting the student.

3. Such conduct is sufficiently severe, persistent or pervasive such that it limits a student's ability to participate in or benefit from an education program or activity or it creates a hostile or abusive educational environment. For a one-time incident to rise to the level of harassment, it must be severe.

Any conduct of a sexual nature directed by a student toward a staff member or by a staff member to a student is presumed to be unwelcome and shall constitute sexual harassment.

Acts of verbal or physical aggression, intimidation or hostility based on sex, but not involving conduct of a sexual nature may also constitute sexual harassment.

Sexual harassment as defined above may include, but is not limited to:

1. sex-oriented verbal "kidding," abuse or harassment.
2. pressure for sexual activity.
3. repeated remarks to a person with sexual implications.
4. unwelcome touching, such as patting, pinching or constant brushing against the body of another.
5. suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's grades or similar personal concerns.
6. sexual violence

Reporting, investigation and sanctions

Students are encouraged to report all incidences of sexual harassment to either a teacher, counselor or principal in their school building and file a complaint, through the district's complaint and compliance process (AC-R). All reports and indications from students, district employees and third parties shall be forwarded to the compliance officer (AC-E1).

If the individual alleged to have engaged in prohibited conduct is the person designated as the compliance officer, the complaint shall be made to the Board of Education which shall designate an alternate compliance officer to investigate the matter.

All matters involving sexual harassment reports shall remain confidential to the extent possible as long as doing so does not preclude the district from responding effectively to the harassment or preventing future harassment. Filing of a complaint or otherwise reporting sexual harassment shall not reflect upon the individual's status or affect grades.

In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred shall be investigated.

Any student found to have engaged in sexual harassment shall be subject to discipline, including, but not limited to, being placed under a remedial discipline plan, suspension or expulsion, subject to applicable procedural requirements and in accordance with applicable law. Conduct of a sexual nature directed toward students shall, in appropriate circumstances, be reported as child abuse for investigation by appropriate authorities in conformity with policy JLF.

Notice and training

Notice of this policy shall be circulated to all district schools and departments and incorporated in all student handbooks.

All students and district employees shall receive periodic training related to recognizing and preventing sexual harassment. District employees shall receive additional periodic training related to handling reports of sexual harassment.

LEGAL REF.:

20 U.S.C. 1681 *et seq.* (Title IX of the Education Amendments of 1972)

CROSS REF.:

AC, Nondiscrimination/Equal Opportunity



MESA

Moving to End Sexual Assault

a program of  Mental Health
PARTNERS

Sexual Assault and Mandatory Reporting

Natalie Henderson (she/her/hers)
Prevention Education Specialist
Moving to End Sexual Assault (MESA)

Annika Spilde (she/her/hers)
Youth Advocating for Change (YAC)
Junior at Fairview High School

About Moving to End Sexual Assault (MESA)

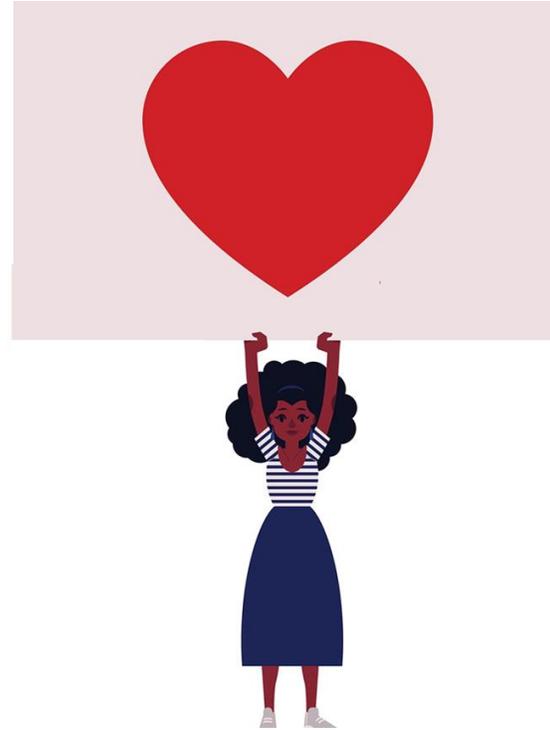
Boulder County's sexual violence resource center.



24-hr hotline: 303-443-7300

Reminders

- Difficult topics
- Self-Care



Your Knowledge and Expertise



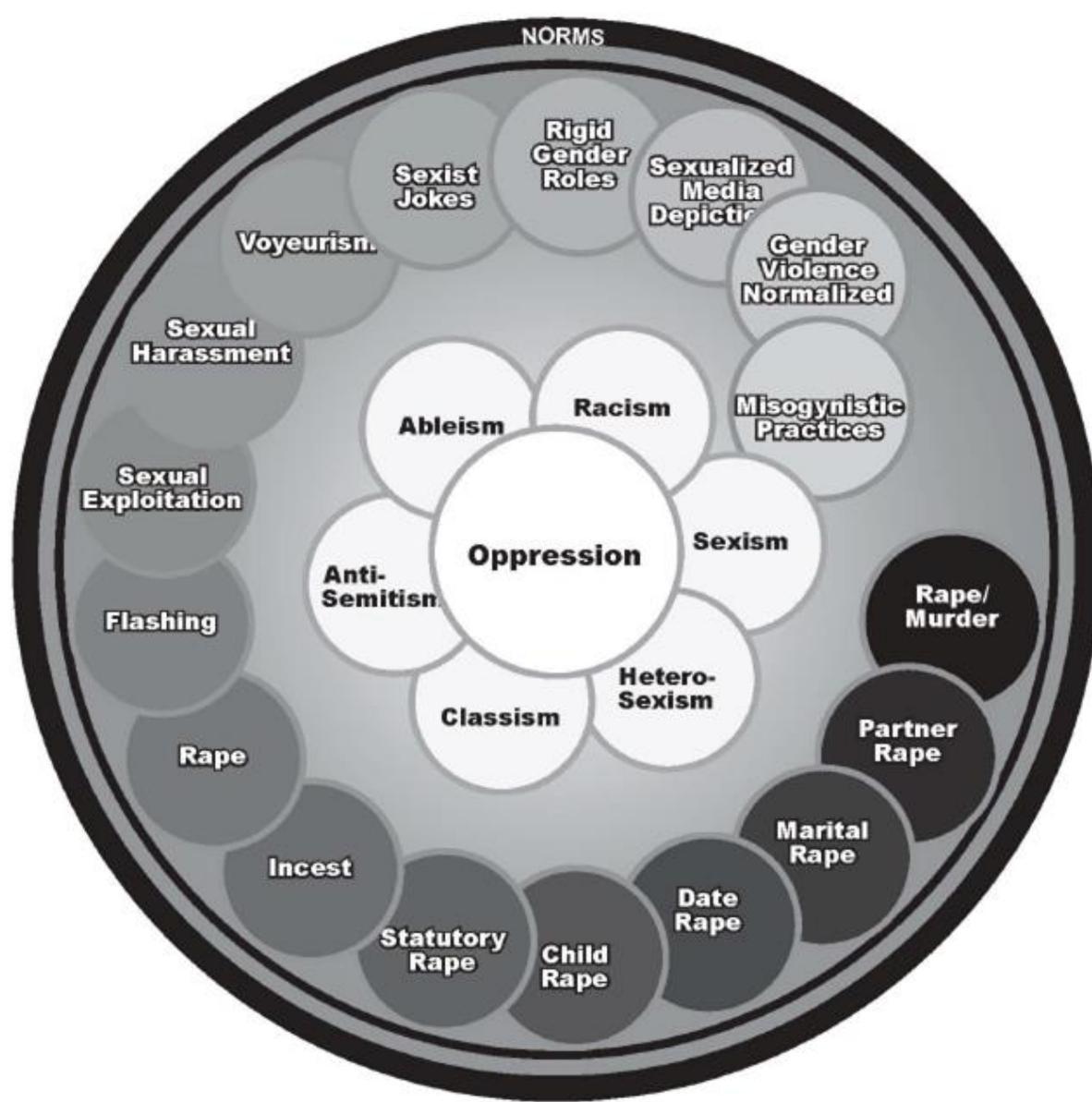
Learning Objectives

Participants will be able to:

1. identify the three components that make up sexual assault
2. describe consent
3. provide ways to support and follow up with survivors
4. work through case scenarios and understand when to report an incident to the proper authorities

What is Sexual Violence?





Sexual Violence Continuum

Legal Definitions of Sexual Assault

- **Sexual Assault**
(C.R.S. 18-3-402) - penetration or intrusion without consent

- **Unwanted Sexual Contact**
(C.R.S. 18-3-404) - knowingly touching someone's intimate parts without consent

Sexual Assault

1. Sexual activity
2. By force (Physical or Psychological)
3. Without consent/ability to give consent



The severity of the assault depends on the impact on the victim, not the act

Sexual Activity

Non-contact

- Sexual harassment
- Catcalls
- Voyeurism
- Flashing
- Porn (forced to watch)
- Taking/sharing explicit pictures



Juvenile Sexting

- Exchanging
- Possession
- Posting



It is illegal for anyone under the age of 18 to partake in sexting

Sexual Activity



Contact

- Groping
- Touching
- Kissing
- Masturbation
- Oral sex
- Penetration

Methods of Force

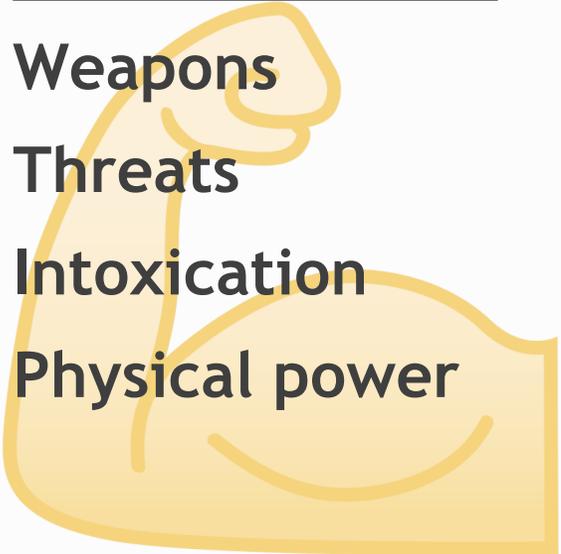
Physical force

Weapons

Threats

Intoxication

Physical power



Psychological

Abuse of power/authority

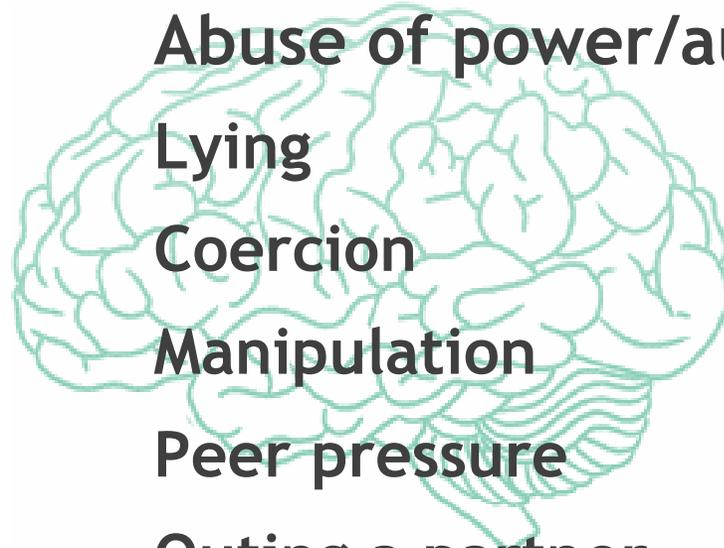
Lying

Coercion

Manipulation

Peer pressure

Outing a partner



How would you
define consent?

CONSENT *is...*

CON - SENT [VERB]

To make a mutual, voluntary, informed decision between clear-minded, of age participants before ANY and EVERY sexual act.

There is NOT consent when...

- Cognitive disabilities hinder full understanding of sexual activity
- Sleeping, drinking, or using other drugs
- Statutory laws determining sexual assault on a minor, vulnerable adults, or elderly adults
- When one person is in a Position of Trust over the other

Sexual Violence Data

All genders are victims and perpetrators of sexual violence.

93% of youth survivors know the perpetrator.

Law enforcement are more concerned with the assault than any substance use.

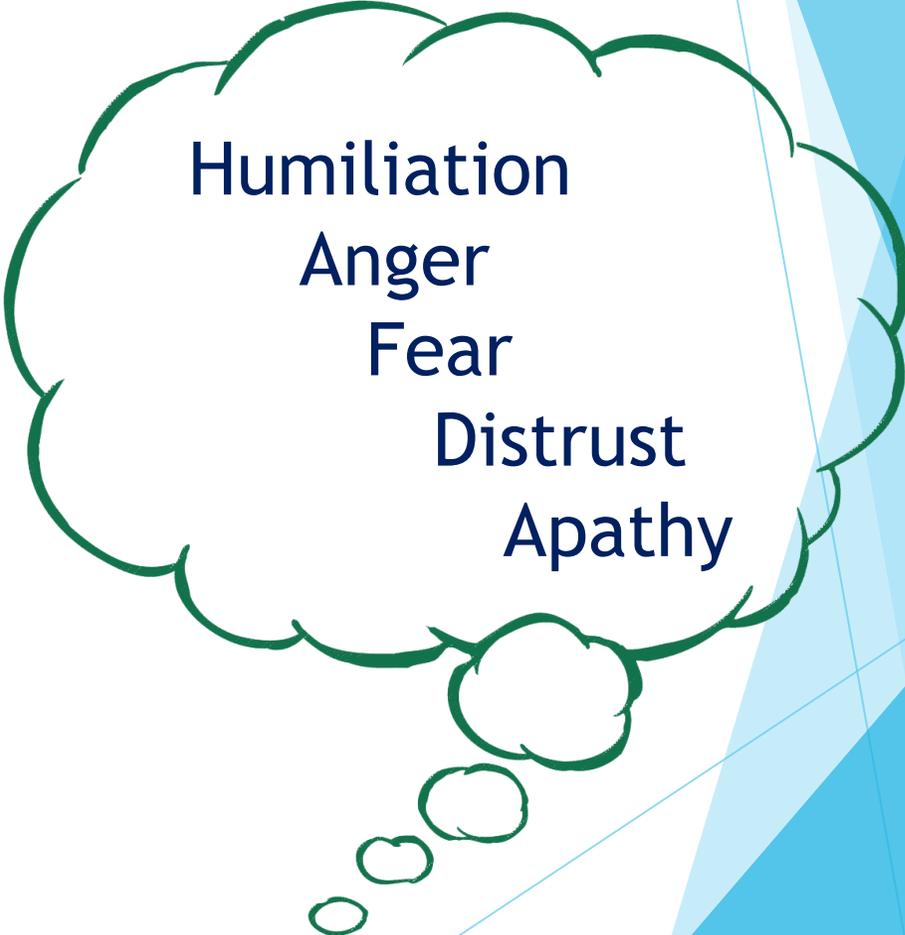
Survivors can report at any time.

The Impact of Sexual Violence on the Survivor

Common Feelings



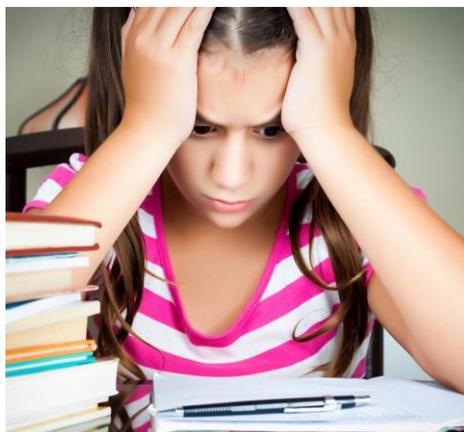
Self-Blame
Anxiety
Sadness
Shame
Guilt



Humiliation
Anger
Fear
Distrust
Apathy

Common Responses

Difficulty
concentrating



Substance use
Self-harm



Nightmares



Suicidal ideation

Trust issues

Isolation

Low self-esteem

When Someone Discloses Sexual Violence

How do you want to respond to a disclosure?

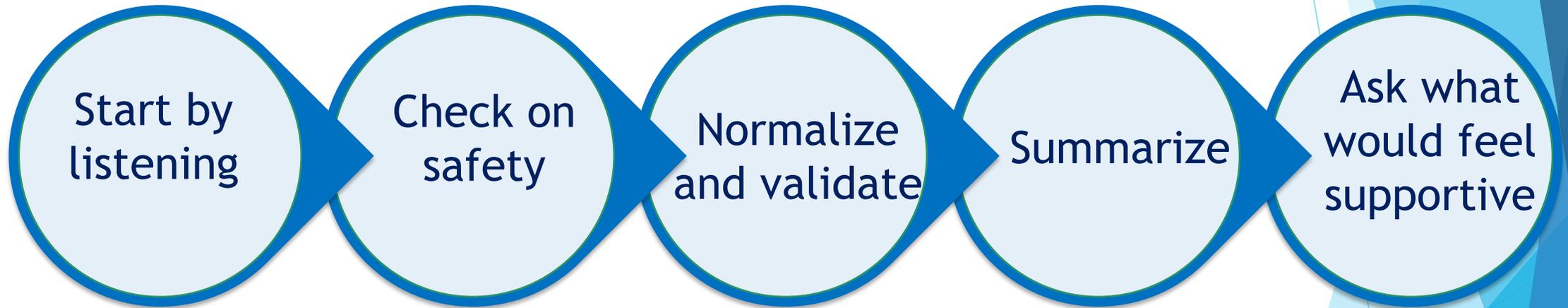


Re-traumatizing



Empowering
and supportive

What To Do...



How to Interact with a Survivor

- Start by believing
- Slow down your movements and ensure your body language is open
- Keep your voice calm
- Talk slowly
- Don't touch the survivor
- If you need support, bring in someone else who can help



Important Considerations



Empower them by
following their lead

Cultural difference

Privacy

LGBTQ+ youth

Example Response

1. SAFETY

- “Are you feeling safe in the school environment with your perpetrator around?”
- What would make you feel supported in the school environment?
- Will you be safe at home (LGBTQ+ students)?”



Example Response

2. VALIDATE and NORMALIZE

“That sounds scary. That’s totally normal that you aren’t sure who to trust.”



Example Response

3. SUMMARIZE

“I hear you saying that on Friday night you went to a party, you drank with some friends, you don’t remember anything after that, but you woke up during the evening with one of your friends on top of you. You were really scared, and you don’t know what you should do. Am I hearing you correctly?”



Example Response

4. SUPPORT AND PROVIDE OPTIONS

“I just want to remind you that before we started the conversation, we discussed that I am a mandatory reporter, and I will have to make a report.”



Example Response Continued

4. SUPPORT AND LET THEM KNOW WHAT NEXT STEPS YOU ARE GOING TO TAKE

“The school will notify your parents and the police will reach out in the next few days.”

Survivors don't have to share any information with the police if they don't want to.

Support Planning

Help the student

- identify people they can trust
- create an emergency exit plan that allows for immediate removal from home if required
- find appropriate resources



Support Planning

Help the student

- entitled to supportive measures from Title IX once complaint is made
- route to and from school and classes
- peers who can accompany them to and from class as needed
- identify potential problems around after-school activities
- follow up plan if there is an encounter with the alleged perpetrator



Provide Resources

Blue Sky Bridge
Phone: 303-444-1388



Safehouse Progressive Alliance for Nonviolence (SPAN)
Crisis Line: 303-444-2424



Moving to End Sexual Assault (MESA)
Hotline: 303-443-7300



Colorado Crisis Services
Hotline: 1-844-493-8255
TEXT TALK TO 38255



Out Boulder Colorado
Phone: 303.499.5777



Mandatory Reporting

Any sexual violence against someone 17 or younger

14 or younger with a person 4+ years older

15 or 16 years old with a person 10+ years older

17 or younger with a person in a position of trust

Position of Trust

Any person who is charged with any duty or responsibility for the health, education, welfare, or supervision of a minor.

- Parent/guardian/caregiver
- Teacher
- Tutor
- Babysitter
- Coach
- Clergy





Time to Practice

After the Student Leaves

Next steps within the day:

1. Report Immediately (BVSD Form)
2. Tell principal
3. Contact Title IX
4. Call Child Welfare services, Police, or 911

Welcome to the BVSD Employee Portal

Our goal is to make Staff.BVSD.org a one-stop shop for employee news and information.

CURRENT TOPICS



BVSD Gives Employee



Launching Staff



COVID-19

SAFETY LINKS

[CHILD ABUSE AND NEGLECT REPORTING FORM](#)



[REPORT A BEHAVIOR OF CONCERN](#)

Mandatory Reporting

- If it is an emergency call 911
- If the student has been abused by someone in the home or by a babysitter
 - Colorado Child Abuse Hotline: 1-844-264-5437
- If the student has been sexually assaulted by someone outside of the home
 - Contact local police department

What the Police/Child Welfare Report Entails

- Child's name
- Age
- Address
- Gender
- School attended
- Names of parents
- Information about siblings

Ask for case number

Follow Up with a Survivor

- Reporting may change relationship
- Inform them if a Title IX or sexual harassment investigation will occur
- Determine which supportive measures are needed and wanted
- Determine who is responsible for ensuring supportive measures are in place
- Continue to follow up



Title IX at BVSD

- Class and office hour rearrangements
- Make up for assignments, quizzes, tests
- Missed classes excused
- Continued emotional support and resources
- Students can get supportive measures regardless of outcome of the investigation



Mandatory Reporting Scenarios

Read the scenario provided and discuss if this scenario requires a mandatory report, yes or no, and explain your decision.

Scenario 1

- Sally is 16 years old, and John is 17. Sally discloses to you that on Saturday night she and John stayed at a friend's house with a group of other kids. She and John smoked some weed and had a bunch of drinks. She remembers stumbling up the stairs and making out with John in a spare bedroom and woke up next to him in the morning. She only had her underwear on.
- Sally felt embarrassed and got dressed and went home before John woke up. Sally is unsure what happened, if anything beyond kissing. She doesn't remember.
- Later she texted John and asked him if they did anything else. John said yes, they had sex and that Sally told him she really wanted him. John said he feels really close to her now and hopes she does too. Sally tells you she is really upset that she doesn't remember what happened, but she must have said she wanted to have sex because she really likes John.

Scenario 2

- George who is 18 discloses that he cheated on his partner on Friday night with a 15-year-old freshman from another high school. He had gone on a hike with a group of friends and this boy was his friend's younger brother.
- They all went back to his friend's house for pizza and movies. He and this boy started making out in the basement and he performed oral sex on him. He feels guilty about cheating and leading this 15-year-old boy on, and he doesn't know what to do.

Scenario 3

- Sasha and Jennifer are both 16 and have been in a relationship for 8 months. During that time, they occasionally shared topless photos of one another consensually. On Monday, Sasha comes to you in tears. She and Jennifer had a huge fight on Friday night.
- On Saturday, Jennifer sent a snap chat of a topless picture of Sasha to a group of people in their class. Sasha is now getting messages from all sorts of people commenting on her breasts.
- Jennifer apologized as she said she did it in a fit of anger and asked Sasha not to tell anyone as she doesn't want to get in trouble. Sasha begs you not to tell anyone.

Student Lessons: Peers Building Justice (PBJ)

Session 1: Defining Relationships

Session 2: The Cycle of Violence

Session 3: Sexual Violence and Consent

Session 4: How to Support a Friend



Reflection & Questions



Contact Information

Natalie Henderson, MPH

Moving to End Sexual Assault (MESA)

nhenders@mhpcolorado.org

720-753-2308

24-hr hotline: 303-443-7300