

Responding to Discriminatory Harassment and Bias at School

Maybe you received a report that a student is being called racial slurs and has had their religious headscarf pulled off on the school bus, or perhaps you received a HIB complaint alleging a student is being mocked for their disability. What are your next steps? When does a harassment, intimidation, and bullying (HIB) incident or complaint indicate discrimination may be occurring, and if so, what is your school district's legal obligation to respond?

This training is designed to help Washington school districts¹ distinguish between HIB and discriminatory harassment so they can properly respond, and it will outline relevant local processes, tools, and best practices. It will also address some of the most common issues arising from the Equity and Civil Rights Office's discriminatory harassment investigations and outreach to school districts.

Key Definitions

Harassment can take many forms, such as threats, spreading rumors, name-calling, derogatory jokes, gestures, drawings or cartoons, physical assault, or any other harmful or humiliating conduct. It can be directed at an individual or an entire protected class, does not require an intent to harm, and can occur as a one-time incident or as a series of smaller acts. However, two forms of harassment have specific legal definitions: (1) harassment, intimidation, and bullying and (2) discriminatory harassment.

Harassment, Intimidation, and Bullying (HIB)²

In Washington, HIB is defined as "any intentional electronic, written, verbal, or physical act including, but not limited to, one shown to be motivated by any characteristic in Washington's education nondiscrimination laws or other distinguishing characteristics" when the act:

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

¹ This training handout references "school districts," but this training and referenced legal obligations apply to all LEAs, including charter schools.

² RCW [28A.600.477](https://leg.wa.gov/RCW/default.aspx?cite=28A.600.477).



Each school district is required to adopt a HIB policy and procedure that incorporates WSSDA's model anti-bullying policy and procedure, 3207 and 3207P, which outline how a district must respond to HIB incidents.³

Discriminatory Harassment

Bullying or harassing conduct rises to the level of discriminatory harassment⁴ when it (1) is based on a student's **protected class** and (2) creates a **hostile environment**. Discriminatory harassment can involve conduct between students, employee-to-student conduct, and conduct involving school visitors if the conduct occurs during a school-sponsored program or activity or if the impact of the off-campus conduct has created a hostile environment for students at school.⁵

Protected Classes in Washington

A protected class is a group of people who share common characteristics and who are protected from discrimination and harassment based on actual or perceived membership in those classes under federal or state law. The following are protected classes under Washington law:

- Race and color
- National origin and ethnicity
- Citizenship and immigration status
- Religion and creed
- Sex
- Disability
- Neurodivergence
- Homelessness
- Sexual orientation
- Gender expression
- Gender identity
- Veteran or military status
- Use of a trained dog guide or service animal

Hostile Environment

Harassment creates a hostile environment when the conduct is so **severe, pervasive, or persistent** that it limits a student's ability to participate in, or benefit from, the school's services, activities, or opportunities. A hostile educational environment can impact a student's school life in any number of ways.

For example, a student being impacted by a hostile environment might experience physical illness or anxiety, perform more poorly in class, quit extracurricular activities, miss class more

³This training will not cover a district's obligation to respond under its HIB policy and procedure. However, it is critical to understand how to distinguish incidents of HIB from incidents of discriminatory harassment, to ensure that your school district is applying and following the correct procedure(s) in response.

⁴ This training will not cover sexual harassment, since it is subject to a different set of definitions, policies/procedures, and laws and regulations. For more information about responding to sexual harassment, review OSPI's Bulletin B007-25, [Guidance on Returning to the 2020 Title IX Rules and Responding to Sexual Harassment in Washington K-12 Schools](#) (February 2025).

⁵ Additional information about a school district's obligation to respond to off-campus conduct can be found on page 11 of this handout.

frequently, or start to misbehave. As a result, determining whether a hostile environment exists for a particular student should always be an individualized, case-specific analysis.

Responding to Discriminatory Harassment⁶

Discriminatory harassment is established when a **preponderance of the evidence** shows that: (1) a student was subjected to harassment based on their actual or perceived membership in a protected class; (2) the harassment was sufficiently serious to create a hostile environment; and (3) once on notice, the district failed to respond appropriately.

If an investigation reveals that the harassment was based on a student's actual or perceived membership in a protected class *and* created a hostile environment, an appropriate response must include prompt and appropriate action to investigate and prompt and effective steps reasonably calculated to end the harassment; eliminate the hostile environment; prevent its recurrence; and, as appropriate, remedy its effects.

Remember, the label used to describe an incident (e.g., HIB, bullying, hazing, or teasing) does not determine the district's legal obligations or the procedures that apply. Instead, the district must **evaluate the nature of the conduct itself** to determine the appropriate response and whether the matter should be addressed under the district's HIB procedures, nondiscrimination procedures, or both.

When is a school district "on notice" of possible discriminatory harassment?

A school is "on notice" when it **knows or reasonably should know** of possible discriminatory or sexual harassment occurring during a school program or activity.⁷

A school district can receive notice of possible harassment in many ways. In some cases, the harassment is in plain sight, was witnessed by a school employee, or was reported directly to the

Examples of when a school district would be on notice:

- Anti-Semitic graffiti is found on school grounds.
- A student tells a teacher that they are being teased because of their sexual orientation.
- An athletic director hears members of the student section use a racial slur at a school sporting event.
- A principal overhears students discussing the transphobic comments one of their friends received on Instagram.
- A news article discusses a "culture of bullying" towards students with disabilities at a school.

⁶ WAC [392-190-0555\(1\)](#).

⁷ WAC [392-190-0555\(2\)](#).

school. In other cases, the school district learns of the harassment indirectly, from sources such as social media, the local news, or a community report. Still in other cases, the harassment may be pervasive, openly practiced, or well known among students and employees.

Regardless of how it becomes aware of possible discriminatory harassment, the Civil Rights Coordinator should promptly be notified so that they can determine how to investigate and respond. The specific steps in an investigation will vary depending upon the nature of the allegations, the source of the complaint, the age of the student(s) involved, the size and administrative structure of the school, and other factors. However, in all cases the inquiry must be prompt, thorough, and impartial.

Responding Absent a Written Complaint⁸

School districts must investigate and respond any time staff know or should have known about potential discrimination or discriminatory harassment—even if no one files a written complaint.

For example, if a school district receives an informal (verbal) complaint of harassment based on national origin, the school district should investigate the complainant's concerns, take appropriate steps to respond, and ensure that the complainant is provided with information about how to file a written complaint if they wish to use a more formal procedure.



Civil Rights Coordinators are responsible for ensuring that all informal and formal discrimination complaints are promptly investigated and resolved.

WAC 392-190-060

When trying to resolve such concerns, it is important to listen to each side, focus on the facts, clarify the relief or resolution sought, answer any questions, and inform the complainant about their right to file a formal complaint.

Responding to a Written Complaint⁹

Once a **formal** complaint is received, the school district must respond using its formal discrimination complaint procedure, which must align with state law.¹⁰

⁸ WAC [392-190-0555](#).

⁹ WAC [392-190-065](#).

¹⁰ Specifically, the procedure must align with the requirements outlined in WAC [392-190-065 through -0751](#).

Overview of the Discrimination Complaint Procedure under Washington Law

Level - Title	Brief Description	Legal Authority
Level 1 – Complaint to LEA	Complainant files a written discrimination complaint asking the LEA to investigate specific allegations of discrimination. The LEA must then apply its formal discrimination complaint procedure during its investigation and response	WAC 392-190-065
Level 2 – Appeal to Party or Board	Complainant files a written appeal, asking the appeal decisionmaker to review the decisions made by the LEA during its Level 1 investigation and response.	WAC 392-190-070
Level 3 – Complaint to OSPI	Complainant files a written complaint, asking OSPI to review the decisions made by the LEA and appeal decisionmaker during the Level 1 and Level 2 investigations and responses, respectively.	WAC 392-190-075

Anyone can file a discrimination complaint.¹¹ Anyone may file a formal (written) complaint of discrimination with a school administrator or the Civil Rights Coordinator. A formal complaint is any written correspondence that describes the specific acts, conditions, or circumstances alleged to be discriminatory. Written complaints can be submitted by U.S. mail, email, fax, or hand delivery.

LEAs may set a filing deadline.¹² If an LEA chooses to set a filing deadline, the deadline cannot be less than one year after the alleged incident(s) occurred. There are two exceptions to this rule: The complaint filing deadline *cannot* be imposed if the complainant was prevented from filing their complaint because the LEA either (1) misrepresented that it had already resolved the concern or (2) withheld information that it was required to provide to the complainant.

LEAs must investigate and respond within thirty (30) calendar days.¹³ Once any LEA employee receives a written discrimination complaint, they must promptly notify the Civil Rights Coordinator. The Civil Rights Coordinator must then:

1. Provide the complainant with a copy of the LEA's discrimination complaint procedure in a language the complainant can understand; *and*
2. Ensure the LEA conducts a prompt and thorough investigation into each allegation.

Written investigative report.¹⁴ After the investigation is complete, the Civil Rights Coordinator must provide the LEA's superintendent (or their designee) with a written investigative report. In

¹¹ WAC [392-190-065\(1\) and \(3\)](#).

¹² WAC [392-190-065\(2\)](#).

¹³ WAC [392-190-065\(4\)–\(6\)](#).

¹⁴ OSPI Guidelines, [Prohibiting Discrimination in Washington Public Schools](#), Appendix E.

the written investigation report, the Civil Rights Coordinator should include the following information:

- The legal authority that was applied (*i.e.*, state or federal laws, district policies and procedures).
- A description of the incident(s), including date(s) and time(s).
- The names of the investigator, complainant, parties, witnesses, and interviewees.
- The dates and summaries of interviews.
- A summary of findings as to whether the allegations were substantiated by a preponderance of the evidence (*i.e.*, whether it is more likely than not that discrimination occurred).
- An explanation of each finding, including any evidence that supports that finding.
- Any recommendations and proposed remedies.

Written complaint decision.¹⁵ Once they have reviewed the investigative report, the superintendent (or their designee) must then provide the complainant with a written decision. The superintendent's written decision must, at a minimum, include:

- A summary of the results of the investigation.
- A determination as to whether a violation occurred.
- Notice of the complainant's right to appeal, including where and to whom the appeal must be filed.
- If a violation was found, any corrective measures deemed necessary to remedy it.¹⁶

A copy of the superintendent's written complaint decision must be sent to the Equity and Civil Rights Office. The most efficient way to accomplish this is by emailing it to equity@k12.wa.us.

*Note: At any time, the LEA and complainant can instead decide to resolve the complaint informally (either through voluntary resolution or mediation) instead of proceeding with the investigation.*¹⁷

Coordinating and Providing Supportive Measures

When investigating any complaint or incident of possible discrimination, LEAs should consider whether students may need supportive measures. For example, if a parent reports that another student is harassing their child because of the child's gender identity, the district should coordinate and provide support to the student who may be experiencing the harassment. The

¹⁵ WAC [392-190-065\(6\)](#).

¹⁶ Corrective measures must be implemented as expeditiously as possible, but no later than thirty (30) calendar days after the district's written response is issued, unless otherwise agreed. WAC [392-190-065\(6\)\(d\)](#).

¹⁷ See, *e.g.*, WAC [392-190-0751](#) (outlining the requirements specific to mediation).

district may also need to increase supervision of the student accused of the conduct until the investigation is completed.

Supportive measures should be based on the individual needs of the student and may include:

- Access to counseling services
- Steps to reduce contact between students involved in the situation (for example, separating students in class or directing them to use different hallways)
- A staff escort between classes or additional adult supervision in certain areas of the school
- Alternative transportation arrangements
- Academic support services, such as tutoring
- Academic accommodations, such as rescheduling exams or assignments, providing alternative ways to complete coursework, or adjusting class schedules
- Changes to an employee's work schedule or job duties
- Limits on an individual's or organization's access to school facilities or activities
- Modifications to attendance requirements or policies

Basic Principles of Discrimination Investigations

Under Washington law, discrimination complaint investigations must:

Be prompt,
impartial, and
thorough

Apply the correct
legal standards

Consider whether
the issue could be
systemic

In general, the Civil Rights Coordinator is responsible for ensuring that all discrimination complaint investigations adhere to these principles.

1. Discrimination investigations must be prompt, impartial, and thorough.

Promptness.¹⁸ School districts must investigate and provide a written response to formal discrimination complaints within **30 calendar days** of receiving the complaint, unless the complainant agrees to an extension or exceptional circumstances require additional time. If an extension is necessary, the district must provide written notice to the complainant explaining the reason and providing a new anticipated response date.

¹⁸ WAC [392-190-065\(5\)](#).

Impartiality.¹⁹ The Civil Rights Coordinator must ensure that investigators and decision-makers remain independent, impartial, and objective. If there is concern about an individual's ability to conduct a fair and unbiased investigation—or the appearance of fairness—the Coordinator should assign the matter to another trained district administrator, an outside agency, or an independent investigator. An attorney may serve as an independent investigator only if none of the parties involved are the attorney's clients.

Thoroughness.²⁰ Although the specific steps required in each complaint investigation will vary, depending on a number of factors (*e.g.*, the nature of the allegations, the source of the complaint, the size and administrative structure of the school, the age of the student(s) involved, etc.), the investigation must consider and address each allegation in the complaint, include a comprehensive search for relevant evidence, and apply the correct legal standards.

What is considered “relevant” evidence in a particular investigation will depend upon the nature of the allegation(s) and the legal standards that are applied. However, common sources of relevant evidence include, but are not limited to:

- Student education records
- Communication records (such as internal or external emails, notes from phone calls or meetings, etc.)
- Witness interviews
- District policies, procedures, and practices
- Security camera footage

2. Discrimination investigations must apply the correct legal standards.

Case-Specific Legal Standards. The legal standards that must be applied when investigating and analyzing a particular complaint will vary, depending on the issues raised and type/theory of discrimination that is being alleged.

For example, an investigator trying to determine whether a student was disciplined more harshly because of their disability will be applying a different set of legal standards (see Example 1, next page) than an investigator trying to determine whether a student was harassed because of their sexual orientation (see Example 2, next page).

¹⁹ OSPI Guidelines, [Prohibiting Discrimination in Washington Public Schools](#), Appendix E.

²⁰ *Id.*

Example 1: Different Treatment

Allegation

- "My child, who has a disability, was suspended for a longer period of time for the same behavior than another student, who doesn't have a disability."

Type/Theory of Discrimination

- Different treatment based on disability

Legal Standard (Different Treatment)

- Student is a member of a protected class.
- Student was treated more adversely than similarly-situated students who are not a member of that protected class.
- Discrimination was a substantial factor in the different treatment.
- LEA cannot articulate a legitimate, non-discriminatory, non-pretextual justification for the different treatment.

Example 2: Discriminatory Harassment

Allegation

- "My child was bullied on the bus. She was called homophobic slurs and shoved around by several other students."

Type/Theory of Discrimination

- Discriminatory harassment based on sexual orientation.

Legal Standard (Discriminatory Harassment)

- Harassing conduct was based on protected class.
- Harassing conduct caused Student to experience a hostile environment (*i.e.*, severe, persistent, or pervasive enough to prevent her from participating in or benefiting from the school's education program or activity).
- Upon notice, the LEA did not respond promptly and appropriately (*i.e.*, did not promptly investigate and if harassment was found, did not take prompt and effective steps to stop the harassment, eliminate the hostile environment, prevent it from recurring, and remedy its effects).

Preponderance of the Evidence. When making a determination in a discrimination complaint, investigators must use a preponderance of the evidence standard. In other words, it must be more likely than not (*e.g.* greater than 50% likelihood) that the allegation is true.

I.R.A.C. Approach.²¹ Even if each investigation is different, investigators can still benefit from using a consistent organizational framework, such as the I.R.A.C. approach:*

- **Issue:** Identify the issue raised in the complaint and tie each one to a working theory of discrimination.
- **Rule:** Identify the relevant authority (*i.e.*, laws, regulations, district policies/procedures) and legal standards.
- **Issue:** Analyze how the relevant rules apply to the facts and evidence at issue.
- **Conclusion:** Determine whether it was more likely than not that discrimination occurred.

3. Discrimination investigations must consider whether the issue may be systemic in nature.

The investigator must also consider whether the complaint may be indicative of a broader systemic issue. For example, if a school receives a complaint alleging that the 504 process was not followed for a particular student, and the investigation shows the allegation was substantiated by a preponderance of the evidence, the investigator should also consider whether this student was just unlucky, or whether there could be other students who were similarly impacted—thereby necessitating a broader investigation and ultimately, both student-specific and systemic remedies.

Remedies and Corrective Action

If a preponderance of the evidence establishes that discriminatory harassment occurred, the district must implement corrective measures as expeditiously as possible and no later than **30 calendar days** after providing its written decision, unless otherwise agreed by the parties.

When discriminatory harassment is substantiated, the district must take **reasonable, prompt, age-appropriate, and effective action** to stop the harassment, prevent its recurrence, and remedy its effects—both upon the targeted student and any others.

Corrective measures should be tailored to the circumstances and may include policy revisions, training, counseling support, disciplinary action, or measures to separate the targeted student from the aggressor. Whenever possible, responsive measures should minimize the burden on the targeted student.

If the initial corrective actions do not stop the harassment or prevent its recurrence, the district should implement additional, more effective measures.

²¹ For more information on the I.R.A.C Approach, please refer to the accompanying handout, *Creating an Investigation Plan*.

Coordinating with Other Complaint Processes

Why a HIB Investigation and Response May Not Be Enough²²

Harassing conduct is often reported and addressed through a school district's **Harassment, Intimidation, and Bullying (HIB)** policy and procedure. In many cases, a HIB response may be sufficient.

However, there are two situations when a HIB response may not be enough—and when the school district may be legally obligated to apply both its HIB policy and procedure *and* its nondiscrimination policy and complaint procedure:

1. If, on its face, a HIB *report* includes allegations of conduct that is based on a student's actual or perceived membership in a protected class; and
2. If, during a HIB *investigation*, the school district learns that the alleged conduct is based on a student's actual or perceived membership in a protected class.

In either situation, the matter must be promptly referred to the Civil Rights Coordinator for review and, if appropriate, investigation under the district's nondiscrimination complaint procedure in addition to the HIB procedure.

Although both procedures establish investigation and response requirements, only the **nondiscrimination policy and complaint procedure** require a district-level civil rights response.

Examples of when a HIB investigation and response would not be enough:

1. *A school district receives an online HIB **report** from a parent, who writes that her daughter is being bullied by her basketball teammates because of her race.*
2. *Same fact pattern as above, except that in the HIB complaint, the parent does not explain that the bullying is related to race. Instead, it is only after the HIB **investigation** begins that the investigator learns that the student was being called a racial slur by her teammates.*

In either situation, as soon as the school district was on notice that the bullying was based on protected class (student's race), it must immediately notify the Civil Rights Coordinator so the coordinator can determine whether to also open a civil rights investigation.

²² WAC [392-190-059](#). Note also that the same principle applies to allegations involving sexual harassment, although in that instance, the school district may need to also apply its sexual harassment policy and complaint procedure (WSSDA's 3205 and 3205P or equivalents).

School districts are responsible for recognizing when alleged conduct may constitute discrimination and for promptly notifying the Civil Rights Coordinator so the matter can be addressed under the appropriate nondiscrimination procedures.

Working with Law Enforcement

Law enforcement investigations do not determine whether discrimination or harassment occurred under civil rights laws, which apply a different legal standard.

If a district and law enforcement are investigating the same incident, the district should not wait for the criminal process to conclude before beginning its own investigation. While fact-finding may be temporarily delayed at law enforcement's request, the district must promptly resume its investigation once that request no longer applies.

Supportive measures should not be delayed. Districts are encouraged to coordinate with local law enforcement in advance to clarify their respective roles and responsibilities.

Frequently Asked Questions

What if one of the students who was bullied has a disability?

Bullying of a student with a disability—whether based on disability or any other characteristic—may interfere with the student's receipt of a **Free Appropriate Public Education (FAPE)** under the Individuals with Disabilities Education Act (IDEA) or Section 504.

As part of the school's response, the student's IEP team or Section 504 team should meet to determine whether, because of the bullying, the student is being denied FAPE. Indicators that a student is being denied FAPE may include changes in academic performance, behavior, attendance, or participation.

Unless the investigation clearly establishes that the bullying had no impact on the student's receipt of FAPE, the school should promptly convene the IEP team or Section 504 team to determine whether: (1) the student's educational needs have changed; (2) the bullying affected the student's access to FAPE; and (3) additional or different services are needed. Any necessary changes should be implemented promptly.

For additional comprehensive guidance, review OCR's 2014 Dear Colleague Letter: [Responding to Bullying of Students with Disabilities](#).

What if the harassment occurs on social media or off campus?

Discriminatory harassment does not have to occur on campus to affect a student's educational experience. When a district learns of alleged off-campus harassment, it should investigate to determine whether the conduct occurred in connection with a school program or activity or is having continuing effects at school.

If the conduct occurred in the context of a school program or activity, the district should respond as it would to on-campus harassment. Even when the conduct is unrelated to a school

program or activity, the district must consider whether it has created a hostile environment at school. Because the effects of off-campus harassment often follow students into the school setting, districts may still need to take steps to address and eliminate any resulting hostile environment.

What about free speech protected under the First Amendment? ²³

Federal and state laws and regulations prohibiting discriminatory harassment are not intended to restrict the exercise of any expressive activities protected under the U.S. Constitution. However, discriminatory harassment is not protected speech under the First Amendment.²⁴

To rise to the level of discriminatory harassment that is prohibited under federal and state law, the harassment must include something beyond the mere expression of views, words, symbols, or thoughts that some person finds offensive. The conduct must also be considered sufficiently serious to deny or limit a student's ability to participate in or benefit from the educational program. Thus, OCR's standards require that the conduct be evaluated from the perspective of a reasonable person in the alleged target's position, considering all the circumstances, including the alleged target's age.

What if the targeted student does not want to file a complaint?

A school district must investigate and address discriminatory harassment when it **knows or reasonably should know** about the conduct—even if no formal complaint has been filed. The district's obligation does not depend on whether a student reports the conduct as discrimination, requests action, or wants the school to investigate.

At the same time, schools should respect the targeted student's wishes whenever possible and maintain confidentiality to the extent permitted by law. However, the district may still need to take steps to assess and address the impact on other students, staff, or the school environment.

Whenever possible, the decision to file a formal discrimination complaint should remain with the targeted student. Let the student know that this decision can be revisited at any time. One way to explain the options is through a **traffic light** analogy: the student may choose to **stop** (not file a formal complaint), **pause** (wait before deciding), or **go** (move forward with an investigation). Emphasize that the choice can change as circumstances change. At the same time, be clear that the school may still have an obligation to take broader action to address discrimination and maintain a nondiscriminatory learning environment, even if a formal complaint is not filed.

²³ U.S. Dep't. of Educ., Office for Civil Rights, [Dear Colleague Letter re: the First Amendment to the U.S. Constitution](#) (July 28, 2003).

²⁴ Schools are permitted to censor student expression if they can reasonably forecast the speech will substantially disrupt school activities or invade the rights of others. [Tinker v. Des Moines Indep. Cmty. Sch. Dist.](#), 393 U.S. 503 (1969).

Isn't this just "kids being kids"?

Harassment can harm students at any age. Although a student's age and developmental level are important considerations, they do not excuse conduct that may constitute discriminatory harassment.

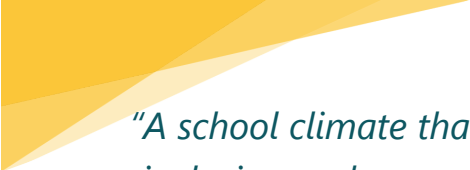
When responding to concerns, focus on the **impact of the conduct**, not just the intent behind it. Behavior that may seem like teasing, joking, or typical childhood conflict can still create a hostile environment and interfere with a student's ability to participate fully in school.

Schools should consider the age and maturity of the students involved when determining an appropriate response, but should not dismiss concerns as simply "kids being kids." Even young students can engage in harmful conduct based on race, disability, sex, religion, or another protected class. Early, age-appropriate intervention can stop the behavior, support affected students, and prevent more serious problems from developing.

Best Approaches & Next Steps

Below are some high-level themes that OSPI's Equity and Civil Rights Office shares (as technical assistance) with school districts that are responding to discriminatory harassment. Please refer to the resources linked below for more thorough descriptions of best practices and strategies for responding to discriminatory harassment and bias incidents and crises at school.

- **Consider impacts on individuals and the community.** Discriminatory harassment and bias rarely happen in isolation. Be sure your response is aimed at addressing both the immediate incident and systemic concerns.
- **Widely share your school district's commitment to anti-bullying and anti-discrimination.** Publish clear instructions for how to report concerns about bullying and discrimination.
- **Provide ongoing support to targeted students,** checking in to find out if they have any ongoing concerns or need additional supportive measures.
- **Embrace your community partners.** Set up informational meetings where you can learn more about the support networks and services in your geographic area.
- **Consult with legal counsel** to ensure your school district is meeting its legal obligations.



"A school climate that encourages inclusion and promotes tolerance does not guarantee that bias incidents won't happen. Instead, it creates an atmosphere in which those acts are less likely to gain momentum and more likely to be quickly and widely denounced."

-Learning for Justice
[Responding to Hate and Bias at School](#)

- **Revisit your school district's policies, procedures, and systems** for preventing and responding to bullying and discriminatory harassment.

Additional Resources

- [**WAC 392-190-0555**](#)—OSPI regulation regarding discriminatory harassment and a school district's obligations to respond.
- [**WAC 392-190-059**](#)—OSPI regulation regarding Harassment, Intimidation, and Bullying prevention policy and procedures for potential discriminatory harassment.
- [**WAC 392-190-065**](#)—OSPI regulation regarding discrimination complaint procedures for school districts.
- OSPI's [**Discriminatory and Sexual Harassment**](#) webpage.
- U.S. Department of Education, Office for Civil Rights (OCR), [**Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability**](#)—Dear Colleague Letter concerning schools' obligations to protect students from student-on-student harassment on the basis of sex; race, color and national origin; and disability. The letter clarifies the relationship between bullying and discriminatory harassment, provides examples of harassment, and illustrates how a school should respond in each case.
- U.S. Department of Education, Office for Civil Rights, [**Dear Colleague Letter: Responding to Bullying of Students with Disabilities**](#)—Dear Colleague Letter explaining that the bullying of a student with a disability on any basis can similarly result in a denial of FAPE under Section 504 that must be remedied.
- Learning for Justice, [**Responding to Hate and Bias in School**](#)—This guidance outlines steps a school district should take before a crisis occurs, when there's a crisis, and after the worst is over.
- Anti-Defamation League (ADL), [**No Place for Hate Incident Response Guide**](#)—includes best practices and strategies to respond to bias incidents in middle or high schools. Includes education on specific incidents, including incidents related to antisemitism, racism, anti-immigrant bias (xenophobia), anti-Muslim bigotry, anti-LGBTQ+ bias, and disability antisemitic incidents, racist incidents.
- U.S. Department of Justice, Community Relations Service, [**Preventing and Responding to Bias and Hate Incidents in K-12 Educational Settings, A Toolkit for School & Community Leaders**](#)
- PACER's National Bullying Prevention Center, [**Students with Disabilities and Bullying**](#)
- U.S. Department of Health and Human Services, [**Stopbullying.gov**](#)

These resources are provided for informational purposes only.