Most rural districts failing to follow rules in reviewing sexual harassment policies

By Isaac Stone Simonelli

WASHINGTON — In a federal lawsuit filed in January against the Burlington-Edison School District, a group of parents, students and community members is challenging the district’s failure to follow state laws and policies aimed at preventing sexual harassment in schools.

The lawsuit, filed bywashschool.org and the Washington State School Directors’ Association (WSSDA), alleges that the district violated state law and policy by not holding an annual review of sexual harassment policies and procedures, as required by the state.

The lawsuit seeks to force the district to conduct an annual review and to provide training and resources to prevent sexual harassment.

“The Evidence of systemic failure is clear,” the lawsuit states. “Even if the district had held an annual review, the evidence suggests that the district would have failed to comply with the laws and policies it is supposed to follow.”

The lawsuit was filed on behalf of a group of parents and students who are members of the Mountain View Language Academy, a group that comprises at least 5% of the district’s total parent population.

The complaint states that the district’s sexual harassment policies and procedures are not up-to-date and do not meet state requirements.

“Instead, the requirement to have the committee was stripped out. The new policy does not oblige the district to hold annual reviews or require it to train teachers and staff on sexual harassment policies,” the lawsuit states.

The lawsuit claims that the district has not conducted an annual review of its sexual harassment policies since 2012 and has not provided training to teachers and staff on sexual harassment policies.

The lawsuit also alleges that the district has not provided adequate resources to prevent sexual harassment.

Pearson said BESD addressed the issue under pressure from community members, including a complaint from a teacher.

“The concern is that District policy is not why this is being challenged, but rather the refusal to hold annual reviews and provide the training,” said Chris Pearson, superintendent of Burlington-Edison School District.

For Kilander, the school board’s unanimous approval of Pearson as superintendent was another sign of the district’s failure to follow state laws and policies.

“After reviewing the district’s sexual harassment policies and procedures, the school board affirmed its decision to promote Dr. Pearson as superintendent,” said Kevin Kilander, who represents Whatcom County’s 3rd District.

The lawsuit claims that the district did not hold an annual review of its sexual harassment policies until 2023, when it was forced to do so by community members.

“Instead, the requirement to have the committee was stripped out. The new policy does not oblige the district to hold annual reviews or require it to train teachers and staff on sexual harassment policies,” the lawsuit states.

The lawsuit also alleges that the district has not provided adequate resources to prevent sexual harassment.

“The district’s failure to hold annual reviews and provide training is a clear violation of state laws and policies,” said Esther Warkov, co-founder of the Whatcom County Deaf and Hearing Impaired Parents’ Association.

Warkov said the district’s sexual harassment policies and procedures are not up-to-date and do not meet state requirements.

“We will continue to translate policies throughout the upcoming months,” he said. “We will make sure that our policies are up-to-date and that they meet state requirements.”

The lawsuit claims that the district has not provided adequate resources to prevent sexual harassment.

“In many cases, districts that aren’t meeting state requirements are not providing adequate resources to prevent sexual harassment,” said Warkov.

The lawsuit seeks an order from the court requiring the district to hold annual reviews of its sexual harassment policies and procedures, and to provide training and resources to prevent sexual harassment.

The lawsuit also seeks an order from the court requiring the district to pay damages to the parents, students and community members who have been affected by the district’s failure to follow state laws and policies.

The lawsuit was filed in the U.S. District Court for the Western District of Washington.

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