

Policy & Legal News

HELPING SCHOOL DISTRICTS TRANSLATE LAW INTO ACTION

Artificial Intelligence in the Classroom



PLUS:

Why Recess Matters

**Jurassic Parliament: What
Justifies Calling a Point of Order?**

Legal Updates

...AND MORE



MARCH 2024

WASHINGTON STATE SCHOOL
DIRECTORS' ASSOCIATION

Policy Classifications

ESSENTIAL

- Policy is required by state or federal law; or
- A specific program requires a policy in order to receive special funding.

ENCOURAGED

- While not required by law, policy is intended to reflect the spirit of existing state or federal law thus inuring districts to potential litigation;
- While not required by law, policy has potential to benefit the health, safety, and/or welfare of students, employees, directors, and/or the local community.

DISCRETIONARY

- Policy addresses an action likely deemed important by the board; or
- Policy would likely be deemed appropriate due to special circumstances of the board; or
- Policy communicates district philosophy that a board may want to promote to employees and/or the community.

Editor's Note

This quote is attributed to John C. Maxwell: "Change is inevitable. Growth is optional." The statement acknowledges that change, itself, does not equate to growth, yet there is no growth without dealing productively with the certainty of change. Stephen Hawking called this capacity, intelligence, saying, "Intelligence is the ability to adapt to change." Positive adaptation also requires emotional steadiness, as growth does not coexist with comfort. Change and growth are, at a minimum, uncomfortable and sometimes plain scary. They involve risk, stepping from the known to the unknown and leaving the comfort zone behind.

One change that is upon us is Artificial Intelligence or AI. Speaking about this unfolding event, Hawking said, "AI is likely to be either the best or worst thing to happen to humanity." Yikes. How do we turn the now inevitable onset of AI into the best rather than the worst thing to happen? Please see Human-Centered AI, guest authored by Jeff Utecht and Dr. Jon Ram Mishra on **page 3**. At a glance, the article might seem to be a long read, but Jeff and Jon are the perfect guides, and your district needs your leadership on AI and needs it now. Another area needing your leadership involves the Israel-Hamas conflict and how public response to that conflict could impact your school district (see Nondiscrimination on **page 11**). Regarding less scary changes, learn about legislative changes to recess and why recess helps students learn on **page 8**.

Still on the topic of change, you've likely heard that WSSDA's executive director, Tim Garchow, is leaving WSSDA in July for a new opportunity. We will miss Tim!!! Nonetheless, rest assured that our mindset is that change is a growth opportunity for all involved. Your WSSDA policy and legal team will continue to support you. Thank you, school directors, for your growth mindset on behalf of your students. In any situation, we can step forward and make the most out of the circumstances we're given. Then, we can seek to be the change we, including your students, need. Andy Warhol said, "They always say time changes things, but you actually have to change them yourself."

Best,

Abigail Westbrook, J.D., Editor



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★ UPDATES TO MODEL POLICY

WSSDA has developed, revised, or retired the following model policies and procedures. Subscribers can find marked-up and clean versions of these documents (as applicable) in their subscriber portal on the WSSDA website by visiting wssda.org/login

ESSENTIAL

- 6700/6700P – Nutrition
- 6701/6701P – Recess and Physical Activity **NEW**
- 6702/6702P – Wellness **NEW**

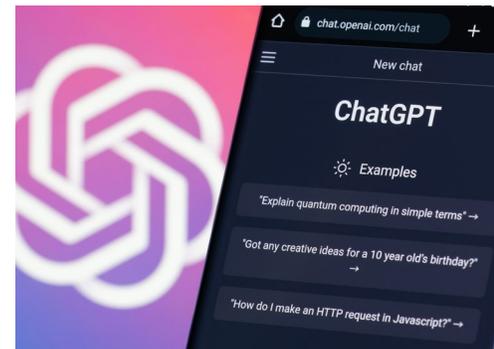
ENCOURAGED

- 2022/2022P – Electronic Resources and Internet Safety
- 2023 – Digital Citizenship and Media Literacy
- 2023F2 – Artificial Intelligence Classroom Protocol **NEW**
- 2023F3 – Artificial Intelligence Student Code of Conduct **NEW**
- 2023F4 – Student Artificial Intelligence Use Pledge **NEW**
- 2124/2124P – Physical Education and Health Class **NEW**

LIST OF SERIES INCLUDED IN UPDATES

- 2000 Series – Instruction
- 6000 Series – Management Support

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MARCH 2024

WASHINGTON STATE SCHOOL
DIRECTORS' ASSOCIATION

Why Embrace Rather than Ban Artificial Intelligence

By Jeff Utecht and Dr. Jon Ram Mishra

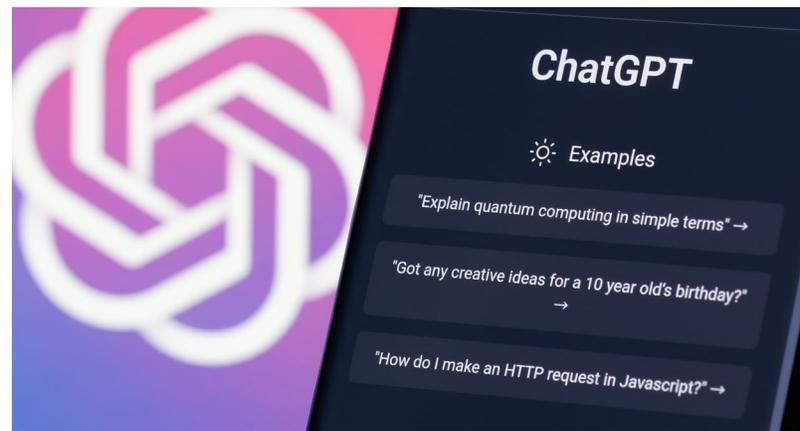
How often each week has Artificial Intelligence (AI) come up in conversation? Has it come up in your social media feed, or in the news? Most of us in education did not truly comprehend the impact of ChatGPT when it was released in November of 2022. Yet this new wave of AI is rapidly transforming industries and redefining human-machine interactions, and whether we are ready for it or not, it will shift our educational institutions at an exponential rate.

So, how did we respond as a state? Within months of ChatGPT being released, the Office of Superintendent of Public Instruction pulled together an advisory

group and started drafting documents to support school boards and other school leaders in this new era of education. The AI advisory group was charged with creating resources to guide school district administrators, educators, and students and families. Members of the advisory group work closely with school district teams and the Washington State School Directors' Association (WSSDA) to create model protocols and respond to district requests. Digital learning and technology leaders at schools also weigh in on implementation strategies and convey the needs of specific school communities to the group.

The first phase of OSPI's [Human-Centered AI guidance](#) went live in January of this year, making Washington

the 5th state to release such guidance to the K–12 community. Phase II of the guidance has since been released the last week of March. There is an understanding across our state that when it comes to technology innovations in society, our goal in education is to ask the hard questions, to dig in, and to make sure, above anything else, that we are preparing students for their future and not our past.



“This comes at an interesting time when we are rewriting our learning standards, so we can ensure that students are ready to work with AI and it is not just an afterthought,” said State Superintendent Chris Reykdal, in a [recent news story by OSPI](#). **“We can think more critically about institutional policies and guidelines and, look more closely at the tools teachers and students are using in the classroom.”**

We are already seeing this new wave of AI being leveraged in many ways. In higher education, universities have already created AI degree pathways. In healthcare, AI is revolutionizing drug discovery and personalized medicine. In entertainment and media, it's assisting in the creation of intricate visual effects, composing music, and even writing scripts.

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**MODEL POLICY & PROCEDURE
2022/2022P**
Electronic Resources and Internet Safety

**MODEL POLICY
2023**
Digital Citizenship and Media Literacy

**MODEL FORM
2023F2**
Artificial Intelligence Classroom Protocol **NEW**

**MODEL FORM
2023F3**
Artificial Intelligence Student Code of Conduct **NEW**

**MODEL FORM
2023F4**
Student Artificial Intelligence Use Pledge **NEW**

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In the business world, people are using AI to generate market forecasts, automate content creation for marketing, and improve customer service through chatbots and virtual assistants. These applications are just the tip of the iceberg, showcasing the technology's versatility and its potential to significantly impact how we work, create, and interact with one another.



As school board members, the responsibility to prepare students for a future where AI is an integral part of the workforce and daily life is paramount. The educational sector must come to terms with the fact that AI offers both challenges and opportunities. On one hand, there are concerns about academic integrity, data privacy, and the digital divide. On the other, there's the undeniable potential for personalized learning experiences, democratization of access to education, and the development of new skills relevant to the 21st-century economy. Much like the debate about the calculator in schools in the early 1980s, a balanced conversation about technology and its impact on learning is always warranted.

The Impact of AI on Future Education

AI is set to revolutionize the educational landscape, offering solutions to longstanding issues of equity and accessibility while preparing students for a future where AI is ubiquitous. It promises personalized learning tailored to each student's needs and interests, potentially boosting engagement and

outcomes. AI's role in curriculum development is also transformative, enabling the creation of dynamic, relevant content that aligns with current standards and student interests. This shift suggests a move from purchasing to creating educational content, leveraging AI to produce resources that meet specific educational goals and priorities.

The democratization of education through AI could bridge the gap between varied educational landscapes, providing all students with access to quality resources. Furthermore, AI's ability to create customized aids for students with disabilities exemplifies its potential to foster inclusivity. Preparing students for a future intertwined with AI necessitates a curriculum that includes not only technical skills but also an understanding of AI's ethical and societal implications.

AI facilitates experiential learning, allowing students to explore real-world scenarios and ethical debates, thereby cultivating a generation ready to navigate and shape an AI-augmented world thoughtfully. The role of AI in education extends beyond mere tool use, embodying a partner in creating a more equitable, dynamic, and inclusive learning environment.

School board members should consider:

1. How can we ensure AI adoption promotes equity and inclusivity across all student demographics?
2. In what ways can we support educators in transitioning to AI-enhanced curriculum development and personalized learning?
3. What vision should we implement to prepare students with both the technical skills and ethical understanding required for our future?

Challenges and Ethical Considerations

Integrating AI into education brings significant challenges and ethical considerations, particularly around data privacy, security, the ethical use of AI, and system transparency. Addressing these is essential to maintaining trust and ensuring AI's responsible use. Concerns about data privacy and

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security are paramount. Adherence to strict data protection laws, like FERPA, is vital for protecting this information and preventing unauthorized access.

Beyond privacy and security, ethical use of AI is crucial. Addressing algorithmic bias is necessary to prevent exacerbating educational inequalities, ensuring AI benefits all students equally. Ethical deployment of AI should align with educational objectives and uphold principles of fairness.

Navigating these challenges and ethical issues demands a collective effort from school boards, educators, and the community. Open dialogue, continuous learning, and ethical diligence are key to leveraging AI's benefits responsibly.

School board members should consider:

1. How can we ensure adherence to data protection laws while implementing AI in schools?
2. What questions should we ask in addressing algorithmic bias in educational AI tools?
3. How can we foster a culture of continuous learning among educators and students regarding AI use?

Why We Should Embrace AI - Playing the Long Game

For school board members, navigating the integration of AI into education requires a balance between innovation and caution. By recognizing the inevitability of technological advancement, it becomes essential to adopt AI to enrich education responsibly, preparing students for a future deeply intertwined with AI.

AI is transforming society, including how we learn and teach. Ignoring AI could disadvantage students in an AI-integrated world. School boards are critical in supporting their schools to use AI with an understanding of its broader implications, supporting students to become ethical, informed users.

AI literacy, covering both technical skills and ethical awareness, is also a vital component. School boards

should advocate for AI-integrated curricula, preparing students to navigate and influence an AI-driven future responsibly. Key strategies for embracing AI include developing AI policies, investing in teacher training, promoting digital equity, and encouraging ethical AI development.

School board members should consider:

1. How can we craft AI policies that protect student privacy while fostering innovation?
2. What partnerships can we form to enrich our AI education and implementation strategies?
3. How do we ensure equitable access to AI resources and training across our diverse student body?

The Role of School Board Members

School board members have a unique responsibility to lead the charge in preparing for an AI-enhanced education. This involves not only making strategic decisions about investments and policy, but also advocating for a vision of education that embraces innovation while remaining grounded in ethical principles and equity.

School board members, by leveraging their leadership, insight, and collaboration, can ensure that the implementation of educational AI tools enhances educational outcomes in a way that is equitable, accessible, and aligned with the broader goals of society. Through thoughtful policy development, infrastructure improvements, teacher training, and partnerships, we can prepare our students and educators for a future where AI is an integral part of learning and teaching.

School board members should consider:

1. How can we effectively communicate the benefits and address the concerns of AI in a way that builds support?
2. In what ways can we ensure our policies and investments in AI enhance equity and accessibility for all students?

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3. What strategies can we adopt to foster meaningful partnerships that will support the successful integration of AI into our education system?

Your Call to Action

School board members are pivotal in steering education towards the future. To navigate AI integration, forming committees with diverse stakeholders is key. These taskforces will assess AI readiness, explore educational applications, and craft strategic implementation plans, addressing concerns and fostering community consensus.

Engage with your community through informational sessions and forums, allowing for an open exchange of ideas and feedback. Be responsive to concerns and create plans to address them. Clear, transparent communication strategies will further ensure that AI integration aligns with community values and educational goals.

School Board Members Should Consider:

- 1. How can we lead by example in embracing AI to foster innovation and ethical use in our schools and community?**
- 2. What strategies can we employ to ensure community involvement and support for AI initiatives?**
- 3. How do we maintain open, effective communication to build trust and collaboration during the AI integration process?**

You Are Not Alone

School board members are at the forefront of this AI initiative, a task made less daunting with support—guidance, resources, checklists, and more—from OSPI and WSSDA. These organizations will continue to offer support on ethical AI use, data privacy, and curriculum development tailored to meet district-specific needs. This collaborative approach allows for informed decision-making and addresses the unique challenges and opportunities of AI integration.

Involvement of OSPI and WSSDA in these

developments enables local insights to shape statewide AI education strategies, ensuring usability, safety, privacy, and equity. Additionally, professional development initiatives are being designed to support school board members with the necessary skills and knowledge for an AI-enhanced educational landscape.

School Board Members Should Consider:

- 1. How can we support OSPI and WSSDA in developing AI integration resources that reflect our unique community needs?**
- 2. What resources and training opportunities are available to ensure our educators and ourselves are prepared for an AI-enhanced world?**

Leveraging AI in the Creation of This Article

As we discuss the intricacies of integrating AI within education, a question might have crossed your mind: “Did AI play a role in crafting this article?” The answer is a resounding yes. We utilized the OSPI- H-AI-H (starting with Human Inquiry, Utilizing AI as a thought partner, and then closing with Human Empowerment) methodology to bring this piece to life.

Human Inquiry

This article began with a simple yet profound interaction with AI technologies, including ChatGPT and Google Gemini. We posed them a challenge: “You are assisting in composing an article for school board members to discuss the ongoing and future impact of AI on education. Could you outline the key themes this article should address?”

AI as a Thought Partner

To enrich the brainstorming process, we engaged with two distinct AI models. This approach provided diverse perspectives on the subject matter while also mitigating the risk of bias that might arise from consulting a single AI source. This dual consultation served as a foundation for a more balanced and comprehensive exploration of the topic.

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Human Empowerment

With insights from these AI collaborators, which were generated in less than 20 seconds, we then used our personal knowledge garnered from discussions with school board members and superintendents across our state. This allowed us to craft an outline that truly resonated with the needs and curiosities of educational leaders. Once the framework was established, we revisited the H-AI-H cycle to further refine our narrative.

Human Input Reimagined

Rather than leveraging AI's vast repository of information, we directed a customized version of ChatGPT to draw exclusively from 15 pivotal research reports on AI in education, including guidelines from OSPI and WSSDA. We then tailored the writing style and tone based on our own writing.

AI as a Thought Partner/Editor

With a modified GPT at our side, we ventured into drafting the article's various sections. This collaborative process with AI was iterative; some sections required revisiting for refinement, editing, and smoothing over to achieve the desired clarity

and impact. By engaging multiple AI tools, including Google Docs' built-in AI, we were able to diminish language bias, ensuring the article's language remained inclusive and accessible.

Human Empowerment Realized

The initial drafting phase, streamlined to about an hour thanks to AI, was only the beginning. The subsequent phase of meticulous editing truly shaped the article into its final form. This involved personal revisions followed by collaborative feedback loops with educational professionals from OSPI, WSSDA, and beyond. While the drafting was swift, the comprehensive editing process spanned several days, underscoring the depth of thought and consideration in the final product.

This article stands as a testament to the H-AI-H approach, showcasing how human creativity and AI's capabilities can coalesce to create insightful, impactful content tailored for the leaders shaping the future of education.

Jeff Utecht is an Educational Consultant for Jeff Utecht Consulting Inc. and Dr. Jon Ram Mishra is the Assistant Superintendent of Elementary, Early Learning, and Federal Programs for OSPI.

From WSSDA

To support your school district regarding student use of artificial intelligence, WSSDA consulted with the AI Advisory Group and OSPI to consider possible policy revisions and supports. In response, WSSDA has revised model policy and procedure **2022/2022P – Electronic Resources and Internet Safety** and revised **2023 – Digital Citizenship and Media Literacy**. Both **2022** and **2023** are Encouraged policies.

Additionally, WSSDA has developed three new forms to support your district. The first new form is **2023F2 – Artificial Intelligence Classroom Protocol**. This form provides sample language for teachers to use in developing their classroom protocols regarding student use of AI. This form is intended to support your teachers but should be customized as needed by individual teachers. Please remember that teachers have the ultimate responsibility to determine the appropriate extent of AI usage in their classroom, including for each individual assignment or project. The second newly developed form is **2023F3 – Artificial Intelligence Student Code of Conduct**. We've developed this form to support your district and building-level administrators. It provides sample language regarding student responsibility connected to AI and suggestions for categorizing AI use as restricted, permitted, or recommended. Lastly, we're offering **2023F4 – Student Artificial Intelligence Use Pledge**. This form provides a sample of a student pledge of acceptable use of AI and is intended to be signed by individual students.



How Recess Helps Students Learn

Foreword

Four square, imaginary play with friends, swinging across the monkey bars—it may seem like school recess is just for fun. Recess is a break from academic work and a chance for autonomy and child-directed play. But it's also very important to students' physical, emotional, and mental health. And, rather than taking away from learning, recess actually supports and bolsters what's happening in the classroom.

Please read my colleague Dr. Massey's article below to learn how research has found that play is critical for youth development and that students learn better when they receive recess. The physical activity and social connections that occur during recess help children's

brains work. This necessary break in the academic day has been shown to help children be less stressed, better behaved, and more focused when they return to the classroom. Currently, there are disparities in the amount of recess children receive across Washington state.

That's why a new state law, effective in the 2024-2025 school year, will ensure that all elementary school students get the recess time their minds and bodies need. The law also urges that recess time not be withheld for any reason, that recess take place before lunch, and that recess be held outdoors whenever possible. These research-based best practices are intended to bolster the substantial academic and health benefits of recess.

By Linnea Westerlind, King County Play Equity Coalition

By William Massey, PhD, Assistant Professor of Public Health and Human Sciences, Oregon State University, originally published on The Conversation.

As parents and schools seek to support [students' social and emotional needs](#) – and teach them what they need to learn – some education leaders are missing one particularly effective opportunity.

The U.S. Department of Education has offered guidance on [how to help students navigate the stress and trauma](#) of the pandemic and readjust to in-person schooling after long periods of closed schools. But as someone [who studies recess](#) in connection with child development, I couldn't help but notice recess was missing from the federal guidance and from many local efforts to support students as the pandemic continues to unfold.

The [physical activity](#) and [social connection](#) that take place at recess help children's brains work and develop properly by lowering their levels of stress, regulating their nervous system and allowing them to be more engaged once back in the classroom.

Stress and the brain

The brain function of a person in a calm state is largely governed by the prefrontal cortex, which handles what are often called "[executive functions](#)" and the ability to regulate behavior and emotions. This makes it possible for people to follow instructions, use context clues to solve problems, pay attention and incorporate new information into existing knowledge. People with higher levels of executive function tend to [perform better in school](#) and [feel better about themselves](#).

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The brain function of a person under high levels of distress shifts to less advanced areas of the brain that [handle more reactive behaviors](#). This disrupts those executive functions and can make the person withdrawn, distractible or hyperactive. All of those can interfere with the person's ability to learn.

This stress-related shift in brain function can also affect students' motivation. Chronic, prolonged and unpredictable stress [inhibits the release of dopamine](#), a brain chemical that helps people feel a sense of pleasure and reward during learning. In this state, learning challenges are likely to be perceived as threats, which will continue to activate more reactive brain regions and more deeply hurt the person's ability to learn.

3 ways recess helps learning

The opportunity to spend time outdoors playing is so important that the [United Nations has declared it a right of every child](#). My research collaborators and I have found that when children have recess in a safe environment that includes positive interactions with adults and peers, students have [fewer problems with executive functions and better classroom behavior](#). Brain science research supports this by showing how three [different aspects of recess decrease stress](#) and improve executive function, helping children learn more successfully throughout the school day.

1. My research shows kids get a [large proportion of their outdoor and movement time](#) at recess. We know that getting more physical activity at school is [better for executive functions and can actually increase academic performance](#)
2. My research also shows that recess is full of repetitive and patterned movements – [running and chasing, swinging, playing ball games and jumping rope](#) – which [restore students' access to higher-level brain functions](#). This is why multiple recess opportunities each day, at regular intervals, can improve students' [attention, learning and overall well-being](#).

3. Recess is a time when kids can [form meaningful relationships](#) and [practice social skills](#) – which can be critical to [success in school](#).

Research clearly shows the [benefits of recess for children](#). Consistent, predictable recess time – even more than once a day – helps children reduce stress, form social connections at school and get their brains more ready to learn.



Separate Policies for Nutrition, Recess & Physical Activity, Wellness, and Physical & Health Education

Student wellness is about more than the mere absence of sickness or injury. Components of comprehensive student wellness include nutrition, nutrition education, physical activity, physical education, recess, health education, social/emotional supports, physical safety, and no doubt, several others that aren't on this list.

– **Nutrition**, such that this policy and procedure are now specific to nutrition. **6700/6700P – Nutrition** is an Essential policy. At this time, no substantive changes have been made to the nutrition policy other than to detangle it from other topics. However, over the course of this next year, WSSDA will work with the Office of the Superintendent of Public Instruction (OSPI) to review the new standalone policy and procedure with an eye toward streamlining verbiage, improving readability, and ensuring it is up to date.

As discussed in the previous article, working in collaboration with OSPI, WSSDA has developed NEW model policy and procedure **6701/6701P – Recess and Physical Activity**. This new policy supports your school district's compliance with SB 5257 - *Ensuring elementary school students receive sufficient daily recess* and helps your students thrive. **6701/6701P** is an Essential policy.

WSSDA has also developed NEW model policy and procedure **6702/6702P – Wellness**. This new policy and procedure are specific to the federal requirements for a wellness policy and a wellness committee and is an Essential policy. No substantive changes have been made to the information that was previously included in policy/procedure 6700 other than to detangle it from other topics. Because this policy and procedure are based on federal requirements, it is unlikely that they will require revision any time soon. However, WSSDA will work with OSPI to ensure that no further cleanup is needed.

Finally, the portions of the previous policy/procedure 6700 related to instruction on physical education and health class have been moved to a NEW model policy and procedure **2124/2124P – Physical Education and Health Class**, which is classified as Encouraged. No substantive changes have been made other than to detangle it from the other topics. Because this information relates to instruction, not to district management, this policy and procedure are now appropriately located in the 2000 series for instruction.

Student wellness is fundamental, and in some ways, the factors that constitute it should be considered holistically. But given the number of contributing components and the importance of each one, a better approach is to think and act upon them more distinctly and less in a lump. Separate policies for these topics, in particular are, helpful because these topics are the subject of frequent state legislation. Taking a more distinct and intentional approach helps school boards address each component sufficiently, with the details required by law. Additionally, it affords space for school boards to consider and identify the needed commitments and related goals for each topic.

In addition to benefits for school boards, separating topics into distinct

policies and procedures helps the district's community members, including students, families, staff, and other persons living and working in your district. This is because having separate policies can help community members find the specific policy they're seeking and help them more readily understand the district's obligations and processes related to their particular questions.

To this end, WSSDA has separated topics that were covered in one model policy/procedure into four model policies/procedures. WSSDA has revised **6700/6700P**

MODEL POLICY & PROCEDURE
2124/2124P
Physical Education and Health Class **NEW**

MODEL POLICY & PROCEDURE
6700/6700P
Nutrition

MODEL POLICY & PROCEDURE
6701/6701P
Recess and Physical Activity **NEW**

MODEL POLICY & PROCEDURE
6702/6702P
Wellness **NEW**

A map showing the border between Israel and Gaza. The word 'GAZA' is written in large, bold, black letters in the upper left. 'ISRAEL' is written in large, bold, red letters in the lower right. Various cities and towns are labeled, including Gaza, Naha, Gerar, Beersheba, Dimona, Yeruham, Revivim, and Oron. The map shows a network of roads and a red dashed line representing the border.

Nondiscrimination and the Israel-Hamas Conflict

Last October, the ever-simmering conflict between Israel and Hamas became a war. Although the United States has no direct involvement, the conflict sparked protests, demonstrations, and vigils worldwide and here in Washington state. It has also sparked discussions and vigils in our schools. Some school districts are proactively engaging in the teaching moments that the conflict has surfaced, while others are remaining silent out of caution. Caution is understandable. This is a sensitive and polarizing topic. But silence might not be safe for school districts because sometimes students report feeling unsafe when their school districts are silent.

Since October, the U.S. Department of Education's (DOE) Office for Civil Rights (OCR) has opened investigations of several higher education institutions regarding allegations of discrimination involving religion, shared ancestry, or ethnic characteristics, which includes antisemitism and Islamophobia. These higher education institutions include the University of Washington and Whitman in Walla Walla. OCR has also opened investigations of several individual K-12 schools and whole school districts nationwide. Importantly, the fact that OCR has opened an investigation should not be construed as a finding of responsibility against the school district. However, being investigated by OCR is time-consuming, expensive, stressful, unpopular with your community, and might be perceived as an indication that your school district has not protected its students from discrimination.

OCR has made concentrated efforts to address the rise in reports of antisemitic, Islamophobic, and other hate-based or bias-based incidents in schools and on college campuses. Given that the DOE has increased its focus on discrimination and harassment based on national origin, your district should ensure that your related policies and procedures (**2340 – Religious-Related Activities and Practices, 3207/3207P – Prohibition of Harassment, Intimidation, and Bullying of Students, 3210/3210P – Nondiscrimination, 3220/3220P – Freedom of Expression, 3223 – Freedom of Assembly, 5010/5010P – Nondiscrimination and Affirmative Action**) are up to date and that your district is truly implementing those policies into actual practice.

Reviewing data regarding the implementation of your policies and their accompanying procedures is the tool that school boards have for ensuring that their schools provide students with educational environments free from discrimination and harassment, including discrimination based on national origin or religious identity. The bottom line is that schools must take immediate and effective action to respond to harassment that creates a hostile environment, including harassment against those who are or are perceived to be Jewish, Israeli, Muslim, Arab, or Palestinian, or of any other shared ancestry.

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On November 7, 2023, OCR issued a [Dear Colleague Letter](#) reminding schools of their legal obligations under Title VI of the Civil Rights Act of 1964 (“Title VI”) to provide all students with a school environment free from discrimination based on race, color, or national origin. The Dear Colleague Letter states that “renewed urgency” exists to ensure nondiscriminatory learning environments. The guidance reminds schools that receive federal financial assistance of their responsibility to address discrimination against Jewish, Muslim, Sikh, Hindu, Christian, and Buddhist students, students of another religious group, or students with a shared ancestry or ethnic characteristics. The letter affirms that every student has the right to a learning environment free from discrimination and that OCR will support schools in fulfilling this promise.

OCR interprets harassing conduct under Title VI to be unwelcome conduct based on shared ancestry or ethnic characteristics that, based on the totality of circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the recipient’s education program or activity. Harassing conduct can be verbal or physical and need not be directed at a particular individual. The letter reiterates OCR’s commitment to addressing discrimination in schools and includes a list of resources available to inform school communities of their obligation to maintain educational environments free from discrimination.

In addition to the Dear Colleague Letter, on November 14, 2023, the DOE [announced](#) new resources aimed at ensuring schools and college campuses have the tools they need to protect students from discrimination and harassment because of their race, color, or national origin, including students who are or are perceived to be Jewish, Muslim, Israeli, Arab, or Palestinian.

The resources include information about funding from the Bipartisan Safer Communities Act, which provides \$1 billion to districts to design and enhance initiatives to promote safer, more inclusive, and positive school environments for all students, educators, and school staff. The resources also noted that DOE-funded technical assistance centers provide guidance and

technical assistance, including the National Center on Safe Supportive Learning Environment’s collections of specialized resources designed to help keep students safe from antisemitism, Islamophobia, and related forms of discrimination.



Additionally, the resources link to a webinar series launched in December 2023 for school personnel and community-based organizations to develop, strengthen, and share evidence-informed strategies that help schools prevent and respond to hate-based threats, bullying, and harassment. Furthermore, the resources include the Antisemitism Awareness Campaign, aimed at raising awareness about the alarming rise of antisemitism and providing tools for educators, students, parents, and communities to address it.

School districts should familiarize themselves with these resources and use them to ensure a safe, nondiscriminatory environment in their school district. Along with your board’s review of data about implementing the pertinent policies and procedures, these steps will help protect your school districts and your students.



WSSDA has partnered with Jurassic Parliament to support school board members' knowledge of parliamentary procedures. Jurassic Parliament offerings include blog postings addressing Robert's Rules and parliamentary procedure and an advice column. Postings and answers are based on Robert's Rules of Order, Newly Revised, 12th edition. As always, nothing in this post constitutes legal or business advice and you should seek your own qualified authority for specific issues. You can learn more about Jurassic Parliament at jurassicparliament.com

What Justifies Calling a Point of Order?

By Nicole Schenk

The motion Point of Order is a request to the chair to enforce a parliamentary rule, which a member is claiming has just been broken, or is in the process of being broken.

Calling a Point of Order is a basic right of every member. It is one way to help keep meetings civil, and the chair and the members more aware of the rules.

One Basic Idea

In a nutshell, the rules of decorum boil down to one basic idea: discussion, remarks, and commentary should be kept strictly *germane*, meaning limited to what is relevant to the item of business currently being discussed. *Robert's Rules of Order* defines it formally as *confining remarks to the merits of the pending question*.

If we keep this one rule without exception, it automatically excludes personal remarks, insults, inflammatory language, and irrelevant information. It says what *is* allowed, which keeps the parameters for discussion very specific and restricted. This usually works to the benefit of discussion, decision-making, and efficient handling of business. (Read more about this basic idea in [Inappropriate Remarks on Nonprofit Boards](#) and [Inappropriate Remarks on Local Government Councils](#).)

This means that Point of Order should not be used frivolously or excessively. It should be used for significant and disruptive violations of the rules of decorum, the rules of debate, and to minimize hindrances to the handling of business. All members should be aware of their rights and how to process a Point of Order (and Appeal).

Possible Issues

Sometimes it might feel as if calling a Point of Order is complaining or “telling” on someone—a person who might be a neighbor, or who you consider a friend, or at least a professional acquaintance. It can be difficult to speak up if personal feelings are involved because people might think they will be seen as too sensitive or will feel guilty about calling out bad behavior by someone they might not otherwise ever have conflict or friction with.

In fact, this is not actual conflict or friction. It is a request for people to follow the group's adopted rules,

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and a request to the person who enforces the rules to do their job. Point of Order is the way that the entire group helps the rules be effective.

Police the Chair

Some might find this surprising, but it is the obligation of the members to police the chair. Police the chair? What does this mean?

In most situations, the group elects a chair. If the chair is not performing their duties as defined by Robert's Rules (or the group's internal parliamentary rules), the group must bring this to their attention. And if no change is made, the group should consider replacing the chair (if feasible). Not everyone has the right temperament to be a chair, and that is perfectly OK! It is not an insult to the chair to ask them to enforce a rule. Even if a board votes to have them step down and be replaced, it is part of how the rules stay functional and intact. If discussion cannot happen fairly or with civility, it has a negative effect on the group as a whole, on individuals, and on how business is handled. Of course, human nature being what it is, a chair is not going to be happy at being replaced, so tact is necessary.

Does the Chair Raise a Point of Order?

The question has been asked: Does the chair raise a Point of Order?

No, not the way a member does. The chair simply interrupts the speaker directly and reminds them (and everyone else present) of the rules.

Let's say a member uses insulting language towards another member. The chair should interrupt, and might say something like this:

Members will kindly refrain from personal remarks.

Insults are not allowed under our rules of decorum.

Members will kindly refrain from making such remarks.

Please keep all remarks relevant to the topic being discussed.

It's best for the chair to speak in general terms, and in the third person, and not to single anyone out. If a pattern of bad behavior emerges there are other steps that can be taken, but a general stating of the rules to

all members is the best place to start.

This goes for members as well. In order to de-personalize the situation, instead of indicating the person who actually broke the rules, a member might say:

Member: *Point of Order!*

Chair: *State your point.*

Member: *The last speaker said something I consider an insult. Insulting and personal remarks are not allowed.*

Chair: *The point is well taken. Members will kindly restrict their remarks to the topic at hand.*



What if the Member Has Trouble Expressing Their Point of Order?

Sometimes a member knows that something is wrong but finds it hard to explain their point. The chair can ask, "What rule has been broken?"

What If People Use Point of Order Incorrectly?

Sometimes people use Point of Order because they disagree with what someone said. The chair should explain that this is not the right use of the motion. For example:

Member: *Point of Order!*

Chair: *State your point.*

Member: *What my colleague just said is not true.*

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Chair: *As a reminder, the purpose of this motion is to bring a breach of the rules of procedure to the chair's attention. Members who disagree with facts stated may bring that up during debate.*

What If the Chair Isn't Sure?

The chair has the duty of issuing a ruling on a Point of Order. However, it is also their option to turn to the group and ask them to decide, like this:

Member A: *That statement is just a bunch of baloney!*

Member B: *Point of Order!*

Chair: *State your point.*

Member B: *The word "baloney" is insulting!*

Chair: *The chair is in doubt and will ask the group to decide.*

Chair: *All those who believe that the word "baloney" is insulting, say "aye."*

Members in favor: *Aye!*

Chair: *All those who believe it is not insulting, say "no!"*

Members opposed: *No!*

Chair: *The ayes have it, the word baloney is insulting and may not be used, OR The noes have it, the word baloney is not insulting and may be used.*

If anyone disagrees with the chair's ruling, any two members can appeal it. Then, the group as a whole decides. Read [Keep the chair in line using Appeal](#) for more on how to appeal.

How To Do This

If a group is unsure how to make Point of Order a natural part of what they do, one approach is to hold an "education minute" at the beginning of meetings, covering the various points of procedure. In this way, violations are less likely to happen.

For more detail on the rules of decorum and debate, please see *Robert's Rules of Order Newly Revised*, 12th edition, Section 43:19 – 43:40. Other entries concerning decorum and debate can be found using the index.

A Useful Exercise

In order for members to feel comfortable calling a Point of Order (or an Appeal), it is advisable for them to practice. One suggestion would be to hold a few special "training" meetings that take place 20 minutes before or after another regularly scheduled meeting. or some other day on which board members can attend in person or through videoconference.

While practicing Point of Order, a group would also be in a great position to thoroughly practice motions. Mock motions can be made and perhaps the members can make a game out of it by choosing and swapping different ways to violate the rules. They could go about interrupting each other, going over speaking times, cross-talking, using (playful and mild) insults or not-germane comments. Points of Order can be called at various times, and processed through the Chair. Perhaps the chair will ask the group to decide if the point is well taken or not.

The role of the chair for this kind of training can be taken by each member round-robin style, so that everyone gets a chance to process a Point of Order, and if the group is feeling bold, a few Appeals!



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